George H. Terrell, of Texas, to be second lieutenant, March 18, 1902, vice Cassells, promoted.

William Scott Wood, of Virginia, to be second lieutenant, March 18, 1902, vice Wilbur, promoted.

CONSULS.

Hugo Muench, of Missouri, to be consul of the United States at Zittau, Saxony, vice Francis B. Gessner, removed.

William E. Alger, of Massachusetts, to be consul of the United States at Puerto Cortez, Honduras, to fill an original vacancy.

PROMOTIONS IN THE NAVY.

Lieut. Harold P. Norton, to be a lieutenant-commander in the Navy, from the 26th day of October, 1901, vice Lieut. Commander Chauncey Thomas, promoted.

Lieut. Frank M. Bennett, to be a lieutenant-commander in the Navy, from the 28th day of December, 1901, vice Lieut. Commander John E. Roller, promoted.

Commander John D. Ford, to be a captain in the Navy, from the 5th day of March, 1902, vice Capt. John F. Merry, retired.

Commander Charles R. Roelker, to be a captain in the Navy, from the 5th day of March, 1902, vice Capt. John D. Ford, an additional number in grade.

Lieut. Commander Asher C. Baker, to be a commander in the Navy, from the 5th day of March, 1902, vice Commander Lucien Young, an additional number in grade.

Lieut. Commander William H. H. Southerland, to be a commander in the Navy, from the 5th day of March, 1902, vice Commander Charles R. Roelker, promoted.

Lieut. Thomas Snowden, to be a lieutenant-commander in the Navy, from the 5th day of March, 1902, vice Lieut. Commander Lucien Young, promoted.

Lieut. Commander Charles E. Fox, to be a commander in the Navy, from the 16th day of March, 1902, vice Commander Frederick M. Symonds, promoted.

POSTMASTERS.

Margaret Miller, to be postmaster at Tuscaloosa, in the county of Tuscaloosa and State of Alabama, in place of Margaret Miller. Incumbent's commission expires March 31, 1902.

Jacob M. Alexander, to be postmaster at Dawson, in the county of Terrell and State of Georgia, in place of Jacob M. Alexander. Incumbent's commission expired March 21, 1902.

De Witt C. Cole, to be postmaster at Marietta, in the county of Cobb and State of Georgia, in place of De Witt C. Cole. Incumbent's commission expired March 9, 1902.

James Bromilow, to be postmaster at Chillicothe, in the county of Peoria and State of Illinois, in place of James Bromilow. Incumbent's commission expired February 23, 1902.

James R. Morgan, to be postmaster at Maroa, in the county of Macon and State of Illinois, in place of James R. Morgan. Incumbent's commission expired February 18, 1902.

Milton A. Ewing, to be postmaster at Neoga, in the county of Cumberland and State of Illinois, in place of Milton A. Ewing. Incumbent's commission expired January 10, 1902.

Watson D. Morlan, to be postmaster at Walnut, in the county of Bureau and State of Illinois, in place of Watson D. Morlan. Incumbent's commission expired March 16, 1902.

James M. Hundley, to be postmaster at Summitville, in the county of Madison and State of Indiana, in place of James M. Hundley. Incumbent's commission expired January 10, 1902.

John McL. Dorchester, to be postmaster at Pauls Valley, in the Chickasaw Nation, Indian Territory, in place of John McL. Dorchester. Incumbent's commission expired February 25, 1902.

Lewis B. Krook, to be postmaster at New Ulm, in the county of Brown and State of Minnesota, in place of John H. Weddendorf. Incumbent's commission expired March 4, 1902.

Leonard M. Sellers, to be postmaster at Cedar Springs, in the county of Kent and State of Michigan, in place of Leonard M. Sellers. Incumbent's commission expired March 9, 1902.

Oscar J. R. Hanna, to be postmaster at Jackson, in the county of Jackson and State of Michigan, in place of Henry E. Edwards. Incumbent's commission expired January 21, 1902.

Sarah K. Travis, to be postmaster at Magnolia, in the county of Pike and State of Mississippi, in place of Sarah K. Travis. Incumbent's commission expired January 12, 1902.

Samuel J. Kleinschmidt, to be postmaster at Higginsville, in the county of Lafayette and State of Missouri, in place of Samuel J. Kleinschmidt. Incumbent's commission expired March 22, 1902.

Horace M. Wells, to be postmaster at Crete, in the county of Saline and State of Nebraska, in the place of Horace M. Wells. Incumbent's commission expired March 16, 1902.

Josiah Ketcham, to be postmaster at Belvidere, in the county of Warren and State of New Jersey, in place of Josiah Ketcham. Incumbent's commission expired March 9, 1902.

Fred A. Wright, to be postmaster at Glen Cove, in the county of Nassau and State of New York, in place of Fred A. Wright. Incumbent's commission expired March 9, 1902.

Joseph Ogle, to be postmaster at Greenport, in the county of Suffolk and State of New York, in place of Joseph Ogle. Incumbent's commission expired March 9, 1902.

Ada Hunter, to be postmaster at Kinston, in the county of Lenoir and State of North Carolina, in place of Ada Hunter. Incumbent's commission expired March 9, 1902.

John H. Tripp, to be postmaster at Carrollton, in the county of Carroll and State of Ohio, in place of Fred W. McCoy. Incumbent's commission expired February 16, 1902.

Martin L. Miller, to be postmaster at Steubenville, in the county of Jefferson and State of Ohio, in place of Martin L. Miller. Incumbent's commission expired March 16, 1902.

John F. Keller, to be postmaster at Romney, in the county of Hampshire and State of West Virginia, in place of Mary Gibson. Incumbent's commission expired February 18, 1902.

Charles W. Adams, to be postmaster at Gillett, in the county of Teller and State of Colorado, in place of Maynard Gunsul, resigned.

Joseph A. Shriver, to be postmaster at Manchester, in the county of Adams and State of Ohio, in place of Wesley B. Lang, removed.

Arthur C. Cogswell, to be postmaster at Burke, in the county of Shoshone and State of Idaho. Office became Presidential October 1, 1901.

Charles W. Nugen, to be postmaster at Kimball, in the county of Brule and State of South Dakota. Office became Presidential January 1, 1902.

Charles H. Jones, to be postmaster at Arlington, in the county of Snohomish and State of Washington. Office became Presidential January 1, 1902.

CONFIRMATIONS.

Executive nominations confirmed by the Senate March 24, 1902.

CONSUL.

Hugo Muench, of Missouri, to be consul of the United States at Zittau, Saxony.

POSTMASTERS.

John M. Mull, to be postmaster at Morganton, in the county of Burke and State of North Carolina.

Benjamin F. Martin, to be postmaster at Marblehead, in the county of Essex and State of Massachusetts.

Isaac A. Macurda, to be postmaster at Wiscasset, in the county of Lincoln and State of Maine.

William F. Darby, to be postmaster at North Adams, in the county of Berkshire and State of Massachusetts.

Allison H. Fleming, to be postmaster at Fairmont, in the county of Marion and State of West Virginia.

H. A. Darnall, to be postmaster at Buckhannon, in the county of Upshur and State of West Virginia.

Abram P. Funkhouser, to be postmaster at Harrisonburg, in the county of Rockingham and State of Virginia.

James M. Leverett, to be postmaster at Winona, in the county of Montgomery and State of Mississippi.

L. S. Calfee, to be postmaster at Pulaski City, in the county of Pulaski and State of Virginia.

Fred C. Furth, to be postmaster at Pine Bluff, in the county of Jefferson and State of Arkansas.

J. G. Walser, to be postmaster at Lexington, in the county of Davidson and State of North Carolina.

Jerry P. Wellman, to be postmaster at Keene, in the county of Cheshire and State of New Hampshire.

HOUSE OF REPRESENTATIVES.

MONDAY, *March 24, 1902.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of the proceedings of Saturday last was read and approved.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. FOSTER of Vermont, for four days, on account of a funeral in his city.

To Mr. SMITH of Illinois, for five days, on account of important business.

To Mr. YOUNG, for one week, on account of sickness in his family.

EAST WASHINGTON HEIGHTS TRACTION RAILROAD.

Mr. MUDD. Mr. Speaker, this being, under the rules, the day appointed for the consideration of business from the Committee on the District of Columbia, I call up, on behalf of that committee, the bill (H. R. 12086) to extend the time for the construction of the East Washington Heights Traction Railroad Company.

The bill was read, as follows:

Be it enacted, etc., That the time within which the East Washington Heights Traction Railroad Company is required to complete and put in operation its railway be, and the same is hereby, extended for the term of twelve months from the 18th day of June, 1902.

SEC. 2. That Congress reserves the right to alter, amend, or repeal this act.

REPEAL OF WAR-REVENUE TAXES.

Mr. PAYNE. Will the gentleman from Maryland [Mr. MUDD] allow this business to be suspended for a moment?

Mr. MUDD. Certainly.

Mr. PAYNE. Mr. Speaker, the bill to repeal war-revenue taxes is, I understand, on the Speaker's table with Senate amendments. I have had some conversation with the gentleman from Tennessee [Mr. RICHARDSON] upon the subject, and I would like to get the bill into conference. I ask unanimous consent that the House disagree to the amendments of the Senate and ask for a conference.

Mr. RICHARDSON of Tennessee. I do not know whether the bill is here or not.

Mr. PAYNE. It is on the Speaker's table.

Mr. RICHARDSON of Tennessee. I have not had an opportunity to look at the amendments.

The SPEAKER. If there be no objection, the amendments will be reported.

The Clerk proceeded to read the amendments of the Senate.

Mr. RICHARDSON of Tennessee (interrupting the reading). Mr. Speaker, I suggest that from the reading of the amendments in this way it is impossible for us to get a very intelligent understanding of their effect. If the object is to nonconcur in the amendments, I do not see the necessity of detaining the House by reading them. If the gentleman from New York desires to have the amendments go to a conference, I see no objection to the House nonconcurring without reading.

Mr. PAYNE. I ask unanimous consent that that be done.

The SPEAKER. Without objection, the further reading will be dispensed with, the amendments will be nonconcurred in, and a conference asked by the House.

There was no objection, and it was ordered accordingly.

The SPEAKER announced the appointment of Mr. PAYNE, Mr. DALZELL, and Mr. RICHARDSON of Tennessee as conferees on the part of the House.

EAST WASHINGTON HEIGHTS TRACTION RAILROAD.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. MUDD, a motion to reconsider the vote by which the bill was passed was laid on the table.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

Mr. BINGHAM, from the Committee on Appropriations, reported back to the House the bill (H. R. 10847) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1903, and for other purposes, with Senate amendments thereto.

Mr. HEMENWAY. Mr. Speaker, I ask unanimous consent that the House nonconcur in the Senate amendments to the legislative appropriation bill, and ask for a conference.

The SPEAKER. The gentleman from Indiana asks unanimous consent that the House nonconcur in the Senate amendments in the legislative and judicial appropriation bill, and asks for a conference. Is there objection?

There was no objection; and the Speaker announced as conferees on the part of the House, Mr. BINGHAM, Mr. HEMENWAY, and Mr. LIVINGSTON.

WILLIAM DIX.

Mr. MUDD. Mr. Speaker, I desire now to call up the bill H. R. 11696.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and required to grant and convey unto William H. Dix, of the city of Baltimore, State of Maryland, and his heirs and assigns all the right, title, and interest of the United States in and to a certain lot of land in the city of Washington in the District of Columbia, known upon the plat or plan of said city as lot No. 4 in square 1113, upon the payment by the said Dix into the Treasury of the United States of such sum of money as the said Secretary of the Interior, upon consideration of all the circumstances, shall determine proper to be paid by the said Dix for the said lot.

Mr. MUDD. Mr. Speaker, this bill is not upon the Private Calendar, and I ask unanimous consent that the bill may be considered in the House as in the Committee of the Whole House.

The SPEAKER. The gentleman from Maryland asks unanimous consent that the bill just read be considered in the House as in the Committee of the Whole House. Is there objection. [After a pause.] The Chair hears none.

Mr. MUDD. Mr. Speaker, just a word as to this bill. This is is a measure to quitclaim all interest or color of title held by the United States Government to a tract of land in the District of Columbia claimed by the proposed beneficiary of the bill. I will only say further about the bill that it is one of a class as to which the committees of both Houses have adopted a settled policy. The course proposed to be pursued in reference to it is approved by the Commissioners of the District of Columbia and the office of the Attorney-General of the United States, to which the bill has been referred. We have adopted this policy after thorough investigation and elaborate reports upon similar bills in recent sessions, the Secretary of the Interior being required to fix the amount which the party claiming the lands shall pay to the Government for the release of title. The interests of the Government are sufficiently safeguarded, and the bill, in my judgment, ought to pass.

Mr. HEPBURN. I would like to have some explanation of this bill. It seems to belong to a class. What is the class?

Mr. MUDD. I will call on the gentleman from Missouri, a member of the subcommittee on judiciary of the Committee on the District of Columbia to explain the bill. The bill was reported by his subcommittee.

Mr. COWHERD. This bill, as I remember it, has twice passed the House; certainly once. I know it passed the House in the last Congress, toward the close of the session, and failed in the Senate. This is one of those cases that arose out of the confusion of titles in very early times. The gentleman will remember, there have been several reports made to Congress of titles that the Government had a claim in, arising out of the transactions with Greenleaf and others. The attorney for the District of Columbia reports the Government has a claim, and in this bill we leave it to the Secretary of the Interior to say what is the value of the Government's claim, and the party proposes to pay whatever the Government fixes as the value of this claim, so that there is nothing lost to the Government.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. MUDD, a motion to reconsider the vote by which the bill was passed was laid on the table.

AMENDMENT OF DISTRICT CODE.

Mr. MUDD. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 11099) to amend section 1189 of chapter 35 of "An act to establish a code of law for the District of Columbia," approved March 3, 1901.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. LACEY in the chair.

The CHAIRMAN. The House is now in Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 11099. The Clerk will read the bill.

Mr. MUDD. Mr. Chairman, under the rule, I believe, these bills have to be read twice, and I ask unanimous consent that the first reading be dispensed with.

The CHAIRMAN. The gentleman from Maryland asks unanimous consent that the first reading of the bill be dispensed with. Is there objection?

Mr. UNDERWOOD. I object. I would like to know what is in the bill.

The Clerk read as follows:

Be it enacted, etc., That section 1189 of chapter 35 of "An act to establish a code of law for the District of Columbia," approved March 3, 1901 be, and the same is hereby, amended so that it shall read as follows:

"SEC. 1189. SALARY.—He shall receive an annual salary of $2,000, which shall include all fees and emoluments."

Mr. MUDD. Mr. Chairman, I would say in connection with this bill that it was introduced by the gentleman from Ohio [Mr. NORTON], whom I do not see present. The only effect is to reinstate the salary of the warden of the District Jail to the amount at which it was fixed by act of Congress passed a year or two ago; but it was inadvertently repealed in the enactment of the code through an error of the clerk who copied the code, in copying from the old law instead of the law which had repealed it. The salary in the code, therefore, is $1,800. This man had been getting theretofore $2,000. It was not the intention of the codifiers to repeal the law, and the Commissioners of the District of Columbia have approved this proposition, and the committee unanimously recommend the passage of the bill restoring the salary to what it was before—$2,000.

Mr. UNDERWOOD. I would like to ask if this is a unanimous report on the part of the District Committee?

Mr. MUDD. It is. I move that the bill be laid aside with a favorable recommendation.

The motion was agreed to.

Mr. MUDD. Mr. Chairman, I move that the committee do now rise and report the bill favorably.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. LACEY, Chairman of the Committee of the

Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 11099) to amend section 1189 of chapter 35 of an act to establish a code of law for the District of Columbia, approved March 3, 1901, and had directed him to report the same back to the House with the recommendation that it be passed.

The bill was ordered to be engrossed and read a third time; and it was read the third time, and passed.

On motion of Mr. MUDD, a motion to reconsider the vote by which the bill passed was laid on the table.

JOHN Y. COREY.

The SPEAKER laid before the House the following resolution of the Senate:

Resolved, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (S. 4366) granting a pension to John Y. Corey.

The SPEAKER. Without objection, this request of the Senate will be complied with.

There was no objection.

DISPOSITION OF CERTAIN DEAD BODIES IN THE DISTRICT OF COLUMBIA.

Mr. MUDD. I now call up the bill (S. 2291) for the promotion of anatomical science and to prevent desecration of graves in the District of Columbia.

The bill was read, as follows:

Be it enacted, etc., That there shall be, and is hereby, created, in and for the District of Columbia, a board for the control of the dead human bodies hereinafter described, and for the distribution of such bodies among and to the schools in said District conferring the degree of doctor of medicine or doctor of dental surgery or both; the Post Graduate School of Medicine, incorporated by an act of Congress, approved February 7, 1896, entitled "An act to incorporate the Post Graduate School of Medicine of the District of Columbia;" the medical school of the United States Army; the medical examining boards of the United States Army, Navy, and Marine-Hospital Service, and the board of medical supervisors of the District of Columbia. Said board shall be known as the Anatomical Board of the District of Columbia, and shall consist of the health officer of said District and two representatives from each school aforesaid actually engaged in teaching, to be selected by and from the faculty thereof in accordance with the by-laws of such faculty, except in the case of the medical school of the United States Army, the representatives from which shall be selected and detailed by the Surgeon-General of the Army. Said health officer shall call a meeting of said anatomical board for organization at a time and place to be fixed by said health officer as soon as practicable after the passage of this act. Said anatomical board shall have full power to establish by-laws for its government and to appoint and to remove proper officers and agents, and shall keep full and complete records of its transactions and of all material facts pertaining to the receipt and distribution of bodies. Said records shall be open at all times for inspection by any member of said anatomical board and by the United States attorney for the District of Columbia.

SEC. 2. That every public officer, agent, and servant, and every officer, agent, and servant of any and every almshouse, prison, jail, asylum, morgue, hospital, and other public institutions and offices having charge or control of dead human bodies requiring to be buried at public expense, shall notify said anatomical board, or such person as may be designated by the said board, whenever any dead human body comes into his possession, charge, or control for burial at public expense. And every such officer, agent, and servant shall, upon application by said anatomical board or its agent, without fee or reward, and complying with the laws and regulations governing the removal of dead human bodies in the District of Columbia, deliver every such body to said board and permit said board or its agent to take and remove the same. The notice aforesaid shall be given in writing and forwarded to said anatomical board within twenty-four hours after said officer, agent, or servant comes into possession, charge, or control of such body for burial, and shall include such material information as said board may designate. But no such body shall be delivered if the deceased person, during his last illness, without suggestion or solicitation, requested to be buried or cremated; or if within the time specified above and before the actual delivery thereof any person claiming to be and satisfying the officer in charge of such body that he is of kindred or is related by marriage to the deceased shall claim the said body for burial or cremation, or request in writing that it be buried at public expense; or if within the time specified above and before actual delivery any person claiming to be and satisfying the officer in charge of such body that he is a friend of the deceased arranges to have the same properly buried or cremated without expense to the District; or if the deceased person was a traveler who died suddenly; but in any such case said body shall be buried or delivered to said applicant for burial.

SEC. 3. That the said anatomical board may receive the bodies reported to it as aforesaid, and may distribute and deliver such as are received among and to such of the schools and boards entitled thereto as request in writing to receive the same, except as otherwise expressly directed in this act. Each such school and board shall receive annually, as nearly as may be practicable, such proportion of the entire number of bodies distributed as the number of students enrolled and in regular attendance at such school, and the number of candidates appearing for examination before such board, respectively, engaged bona fide at such school, or examined by said board in dissecting, and operative surgery on the cadaver, bears to the total number of students so enrolled in attendance, and engaged, and of persons so examined, in the District of Columbia. The secretary, dean, or other proper officer of each such school and board shall report to said anatomical board the names of all such students in attendance at such school or persons examined by said board, as the case may be, at such times and in such form as said board may direct. All bodies shall be delivered among such schools and boards in regular order so as to maintain, as nearly as may be practicable, an equitable allotment at all times; and bodies assigned to any school or board in regular order and refused by such school or board without sufficient cause shall be charged against the quota of such school or board in such manner as not to prejudice any other school or board. But no body shall be delivered to any school or board unless within not less than twenty-four hours prior to such delivery notice of the death has been given by said anatomical board to the nearest known kinsman, relative by marriage, or friend of the deceased, or if none such be known, published by said anatomical board at least once in a daily newspaper published in the city of Washington, in the District of Columbia. The notice required by this section shall be deemed to have been given if served in writing on the person to be notified, or if left at his usual place of residence with some adult person residing therein, or a member of the family of such person. Said board shall take receipts by name, or, if the name be unknown, by a description, for each body delivered; all receipts so obtained by said board shall be properly filed by it.

SEC. 4. That no school except the medical school of the United States Army shall receive any body under the provisions of this act until said school has given bond to the District of Columbia, and the Board of Commissioners of said District has approved such bond, which said bond shall be in the penal sum of $200 and conditioned that all bodies which said school shall receive shall be used in said District and only for the promotion of the science and art of medicine and dentistry.

SEC. 5. That it shall be the duty of each and every officer, agent, and employee of every school and board receiving bodies under the provisions of this act to see that such bodies are used in the District of Columbia and for the promotion of science and art of medicine and of dentistry, and for no other purpose whatsoever, and that after being so used the remains thereof are disposed of in accordance with law.

SEC. 6. That any person who shall, in the District of Columbia, sell or buy any body aforesaid, or in any way traffic therewith, or transmit or convey any such body to any place outside of said District, or cause or procure any such body to be so transmitted or conveyed, or who shall, in said District, disturb or remove, without legal permit, any body from any grave or vault, shall, on conviction thereof, be fined not more than $200 or imprisoned in the workhouse of said District for not more than one year.

SEC. 7. That neither the United States nor the District of Columbia, nor any officer, agent, or servant thereof, shall be at any expense by reason of the delivery of any body or bodies aforesaid, except such as may be properly chargeable on account of bodies delivered to the medical school of the Army, the medical examining boards of the Army, the Navy, and the Marine-Hospital Service, and the board of medical supervisors of the District of Columbia; but all expenses of such delivery and distribution, except as hereinbefore specified, and of said anatomical board, shall be paid by the schools receiving such bodies, in such manner as may be specified by said board and by such school in proportion to the number of bodies which it has received; and no school which has failed or refused to pay its just proportion of such expense as determined by said board shall be allowed to receive any body or bodies, or parts thereof, while the amount so due remains unpaid.

SEC. 8. That any person having any duty enjoined upon him by the provisions of this act who willfully neglects, refuses, or fails to perform the same, shall, upon conviction thereof, be punished by a fine of not more than $100 or by imprisonment in the workhouse of the District of Columbia for not more than one year.

SEC. 9. That all prosecutions under this act shall be in the police court of the District of Columbia, on information brought in the name of said District on its behalf.

SEC. 10. That all acts and parts of acts inconsistent with this act be, and the same are hereby, repealed.

Mr. MUDD. Mr. Speaker, I desire to yield to the gentleman from Missouri [Mr. COWHERD].

Mr. COWHERD. Mr. Speaker, this is the ordinary statute of most of the States, creating an anatomical board and providing for the disposition of the bodies of those who die in public charitable institutions, and so forth. Unless some one desires an explanation, I will ask for a vote.

Mr. McCALL. Mr. Speaker, I should like to ask the gentleman how this bill compares with the statutes of the different States?

Mr. COWHERD. I have not personally compared it; but I am somewhat familiar with the statute in my own State. I know it is very much the same, but I have not compared it with the statutes of any other State. I think the statute of Missouri was framed upon that of the State of Massachusetts.

Mr. McCALL. I am not familiar with that statute.

Mr. COWHERD. This bill creates a board composed of certain persons named in the bill, selected from the medical schools of the District, and the medical school of the Army, the post-graduate school of the District, and the medical examining boards of the Army, the Navy, and Marine-Hospital Corps. That board is to have charge of the bodies of persons who die in the almshouse, prison, jail, asylum, morgue, hospitals, and public charitable institutions and who are to be buried at public expense. Now, if those persons have any relatives or friends, notice must be given to them, and if any friend or relative objects, the body is not turned over to this board. If no one objects, it is then turned over, to be distributed to these schools pro rata. There is no expenses to the District or the Government.

Mr. McCALL. While statutes of this kind may be common, yet upon the face of it it would strike one, in view of our present customs, as somewhat inhuman to provide for the dissection of the body of a person simply because he happened to die poor or in such an institution as that.

Mr. COWHERD. Yet the gentleman knows that prior to the creation of anatomical boards in the States the question of the robbing of graves had become a scandal in every large city in the Union, and yet it was an absolute necessity that the medical schools, for the protection of the living, should have some way of getting dead bodies for dissecting purposes. As a matter of fact, I think this system has proved very satisfactory in all the States where it has been tried.

I will ask for a vote, Mr. Speaker.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. MUDD, a motion to reconsider the last vote was laid on the table.

Mr. MUDD. That is all the business which the District of Columbia has this morning.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

A message from the President of the United States was communicated to the House of Representatives by Mr. PRUDEN, one of his secretaries, who announced that the President had approved and signed bills of the following titles:

On March 20, 1902:

H. R. 5224. An act for the relief of Edward Kershner;

H. R. 11241. An act to amend an act entitled "An act to regulate, in the District of Columbia, the disposal of certain refuse, and for other purposes," approved January 25, 1898; and

H. R. 6300. An act to provide for the erection of a dwelling for the keeper of the light-house at Kewaunee, Wis.

On March 21, 1902:

H. J. Res. 162. Joint resolution authorizing and requesting the President to extend to the Government and people of France and to the families of Marshal de Rochambeau and Marquis de Lafayette an invitation to join the Government and people of the United States in the dedication of the monument of Marshal de Rochambeau to be unveiled in the city of Washington;

H. J. Res. 161. Joint resolution authorizing the Secretary of War to loan tents to the Texas Reunion Association;

H. R. 11719. An act to amend an act entitled "An act to authorize the Pittsburg and Mansfield Railroad Company to construct and maintain a bridge across the Monongahela River;" and

H. R. 1980. An act to establish a marine hospital at Savannah, Ga.

On March 21, 1902:

H. R. 428. An act granting a pension to Sarah Bowers;

H. R. 597. An act granting a pension to Adella C. Chandler;

H. R. 1743. An act granting a pension to Samuel M. Graves;

H. R. 3515. An act granting a pension to Mary A. House;

H. R. 3694. An act granting a pension to Benjamin Wylie;

H. R. 4209. An act granting a pension to Thomas Butler;

H. R. 6435. An act granting a pension to Susan P. Crandall;

H. R. 6869. An act granting a pension to M. Callie Glover;

H. R. 7432. An act granting a pension to Charles A. Sheafe;

H. R. 8486. An act granting a pension to Annie S. Hummel;

H. R. 8493. An act granting a pension to Harry H. Sieg;

H. R. 9383. An act granting a pension to Narcissa Tait;

H. R. 1018. An act granting an increase of pension to George C. Leighton;

H. R. 1350. An act granting an increase of pension to Joseph W. Grant;

H. R. 3288. An act granting an increase of pension to Elmer J. Starkey;

H. R. 1688. An act granting an increase of pension to Charles Armstrong;

H. R. 1697. An act granting an increase of pension to Richard A. Lawrence;

H. R. 2175. An act granting an increase of pension to Kephart Wallace;

H. R. 3747. An act granting an increase of pension to William R. Underwood;

H. R. 4035. An act granting an increase of pension to Elias Longman;

H. R. 4084. An act granting an increase of pension to Charles H. Wickham;

H. R. 4827. An act granting an increase of pension to Charles H. Baker;

H. R. 5160. An act granting an increase of pension to James Harper;

H. R. 5247. An act granting an increase of pension to Richard Fristoe;

H. R. 5536. An act granting an increase of pension to Daniel Schram;

H. R. 6014. An act granting an increase of pension to William Rhenby;

H. R. 6515. An act granting an increase of pension of Carleton A. Trundy;

H. R. 6861. An act granting an increase of pension to Joseph K. Ashby;

H. R. 7907. An act granting an increase of pension to Alice M. Ballou;

H. R. 7997. An act granting an increase of pension to Henry Burns;

H. R. 8541. An act granting an increase of pension to Mahlon C. Moores;

H. R. 8954. An act granting an increase of pension to Alfred N. Mosier;

H. R. 9220. An act granting an increase of pension to John S. Hunter; and

H. R. 11144. An act granting an increase of pension to Anderson Howard.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had agreed to the amendment of the House of Representatives to the joint resolution (S. R. 21) authorizing the printing of extra copies of the annual report of the Commissioner of Pensions.

The message also announced that the Senate had passed without amendment bill of the following title:

H. R. 3136. An act for a public building for a marine hospital at Pittsburg, Pa.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 10530) to repeal war-revenue taxation, and for other purposes, disagreed to by the House of Representatives; had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. ALDRICH, Mr. ALLISON, and Mr. VEST as conferees on the part of the Senate.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 10847) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1903, and for other purposes, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. CULLOM, Mr. WARREN, and Mr. TELLER as the conferees on the part of the Senate.

The message also announced that the Senate had insisted upon its amendment to the bill (H. R. 4821) granting an increase of pension to Herbert A. Boomhower, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. GALLINGER, Mr. PRITCHARD, and Mr. GIBSON as the conferees on the part of the Senate.

CONTESTED-ELECTION CASE, MOSS V. RHEA, THIRD CONGRESSIONAL DISTRICT, KENTUCKY.

Mr. MANN. Mr. Speaker, I call up the unfinished business, which is the election case of Moss *v.* Rhea, Third district of Kentucky.

The SPEAKER. The gentleman from Illinois [Mr. MANN] calls up the unfinished business, being the election case of Moss *v.* Rhea. The gentleman from Illinois.

Mr. MANN. Mr. Speaker, the minority are very anxious to have the time for debate extended, in order to give additional time to the contestee to speak in his own behalf. I therefore ask unanimous consent that the time for debate be extended one hour on each side.

The SPEAKER. The gentleman from Illinois [Mr. MANN] asks unanimous consent that time for debate on this election case be extended two hours, one hour upon each side. Is there objection?

There was no objection.

Mr. MANN. I yield to the gentleman from Mississippi [Mr. FOX].

Mr. FOX. Mr. Speaker, I yield to the gentleman from Alabama [Mr. BOWIE] thirty minutes.

The SPEAKER. The gentleman from Alabama [Mr. BOWIE] is recognized for thirty minutes.

Mr. BOWIE. Mr. Speaker, in the brief time allotted it would not be possible for me to go into a complete discussion of all the facts of this case. I shall therefore omit from my remarks any reference in detail to the question which was so ably presented by the gentleman from Texas [Mr. BURGESS] on Saturday. I have to say upon that subject, however, that I fully indorse the contention of my colleague on the committee upon the proposition that there is not a single ballot before this House which can be considered for any purpose, because they are not identified in the manner prescribed by law. That position is sustained, as we insist, by three decisions of the supreme court of Kentucky and by the plain mandate of the statute itself, which specifically provides:

> That if there are any ballots cast and counted or left uncounted, concerning the legality or regularity of which there is any doubt or difference of opinion in the minds of the judges of election, said ballots shall not be destroyed, but sealed up and returned to the clerk of the county court with the returns of the election for such judicial or other investigation as may be necessary, with a true statement as to whether they have or have not been counted, and if counted, what part and for whom.

But the gentlemen are not satisfied. They say that this House, borrowing its authority from that provision of the Constitution which declares that it is the exclusive judge of election and qualification of its own members, can so far stretch that principle that they can set aside the statutes of Kentucky and the decisions of its courts. And, sir, when they make that assertion and choose that as their battle ground, I desire to attack them in their own castle; to accept the gage of battle which they have laid down; to meet them upon the very issue which they have made, and I propose to discuss this case, in the thirty minutes allotted to me, upon the principles of law which are conceded by the majority in their report to be correct.

The ballots which were rejected, outside of 1 precinct in the county of Warren and 4 precincts in the city of Bowling Green, amount to nothing so far as this contest is concerned. There are 5 precincts in which almost every one of those rejected ballots can be found. and I will call attention to these 5 precincts. They are Electric Light precinct, No. 20, in which were 100 rejected ballots; Police Court Room precinct, in which were 41 rejected ballots; Gas House precinct, in which were 57 rejected ballots; County Court Room precinct, in which were 5 rejected ballots; Kister's Mill precinct, in which there were 112 rejected ballots, and Hazelip's Mill precinct, in which there were 23 rejected ballots.

All the balance of the rejected votes in the district would not amount to a difference of fifty. So that this case can be determined upon the evidence as it relates to four precincts in the city of Bowling Green and one precinct outside of the city, but in the same county. It has been charged against the position which we take here that our contention is a terrible indictment of the so-called Goebel election law, because they say that the counting or rejection of these ballots is a matter which was devolved upon the Democratic officials, who were in charge, as they allege, of every election precinct in that district, and who, if we are correct, can wrongfully reject the ballots in the first instance and then defeat a contest or a prosecution by fraudulently failing to make a proper certificate.

Mr. Speaker, if the proposition which they lay down had one single atom of truth to sustain it, it might be persuasive upon some members of this House; but I undertake to say, and an examination of this record will disclose, that there is not a scintilla of truth in the assertion of the majority that the Democrats had the control of the election judges in all the precincts, or even a majority of them, in dispute. Now, let me call the attention of this House to what the record in this case shows upon that subject.

In Electric Light precinct, where Mr. Rhea had 147 votes and Mr. Moss had 117, there were 100 rejected ballots. The Republicans were in control of that box. The Republican sheriff and Republican judge constituted the majority of the board in determining whether or not a ballot should be rejected. So that this case does not stand upon the proposition that a Democratic board has fraudulently rejected Republican ballots, but so far as this precinct is concerned the contention of the majority reduces itself to this, that Republican judges in a Democratic precinct fraudulently rejected Republican votes! Mr. Speaker, I denounce, on behalf of the Republican managers in Electric Light precinct, that libel upon their character and intelligence!

The next precinct to which I call your attention is Police Court precinct, No. 21. Mr. Rhea had 164 votes; Mr. Moss had 19. There were 41 rejected ballots; and the Republicans controlled that precinct. The contention is that the Republicans took away from Mr. Moss in that case enough votes to have changed the result.

In the Gas House precinct the Republicans were in control. There were 57 rejected ballots.

In Russells Lumber Yard precinct the Democrats were in control. There was not a single rejected ballot.

In the County Court Room precinct the Democrats were in control and there were only five rejected ballots.

In Kisters Mill precinct there were 112 rejected ballots, and the Democrats, as I understand, were in control.

In Hazelip's Mill precinct there were 23 rejected ballots, and the Republicans were in control.

So that I find in these four precints in which the Republicans were in control there were 221 rejected ballots—enough to elect John S. Rhea half a dozen times over; and in the three precincts in Bowling Green in which the Democrats had a majority there were only 117, not enough to affect the result in any particular. This is the record.

Well, but they say that it does not matter whether these Republicans came in there and defrauded Moss of his seat or whether the Democrats did it. They say if it was done, and that it is evident in this case that it was, that it does not make any difference who did it.

Now, I want to apply their contention to the facts in this record and see if there is one scintilla of evidence, verbal or written, in this record that will support the assertion that either the Republican or Democratic officials wrongfully deprived the contestant of any ballots to which he was lawfully entitled. I want to call attention to the argument of the gentleman from Iowa [Judge SMITH], a man for whom I have the highest respect. Judge SMITH, in the colloquy in which I was engaged with him on Saturday, when I put the proposition to him as to what would prevent the Republican judges from signing this certificate and calling upon their Democratic brethren to join them in signing it and then if the Democrats did not consent to do so to mandamus them, tried to get out of it as follows: "Why," he said, "because when you take the case into court you lose control of the ballots and you can not follow them up." And here is the language of the gentleman from the RECORD:

> The object of this law, according to the contention on the other side, is to identify these ballots; and if they are not identified from the very hour of the election the identification is worthless, as the gentlemen well know.

I say amen to his proposition; but the fault of his logic is this: That in the mandamus proceedings suggested the ballots would go to the same clerk, a Republican clerk, as they would if there were no mandamus proceedings instituted. It would be simply a question whether that clerk would hold the ballots in one capacity or hold the same ballots in a different capacity. It would be the same question as whether he held these ballots in his right hand or in his left.

But, Mr. Speaker, I want to go further. The gentleman says, and correctly says, that he has got to account for these ballots for every hour of the time when they leave the ballot box until they get into the hands of the county clerk. That is his contention. He is correct in that. Now, I hold in my hand the record in this case, and I say that in not one of these precincts, not a single precinct, have they accounted for these ballots in the hands of these managers and traced them to that clerk. Not only they have not accounted for them for every hour, but they have not accounted for them for a single hour of the time when the election closed to the time, several days later, when they reached the hands of the county clerk.

Why do I say that? In the Kisters Mill precinct there were 112 rejected ballots. There was not a single judge, not a single clerk, not a single sheriff, who testified as to where those ballots were or what was done with them between the 6th and the 9th day of November. There was not one of the officers that went on the stand to testify to anything concerning them; and yet, while the statute plainly provides that these ballots shall be inclosed in a linen bag and sealed with wax, and the county seal impressed on the wax, and the names of all the election officials plainly written thereon, the following statement is taken from a stenographic report on these ballots, dictated by the gentleman from Illinois [Mr. MANN]: "The envelope bears evidence of having possibly been sealed with a paster on top of the flap, but the paster bears no indorsement and was not signed by any of the election officers, and the names of the election officers do not appear on any place on the linen envelope. The envelope has never been sealed with sealing wax."

Now, this is a stenographic report dictated by the gentleman from Illinois [Mr. MANN], the author of the majority report in this case, the gentleman who has led the fight here, and the omission in that one election precinct will save the seat to John S. Rhea. Neither one of these election officials was examined.

In the Gas House precinct, No. 22, where there were 57 rejected ballots, there was not examined any of the officers to prove the possession of those ballots and trace them into the hands of the county clerk.

In the Electric Light precinct, where there were 100 rejected ballots, there is not a scintilla of evidence that gets them away from the precinct officials to the county clerk, except the statement of the clerk that on the 9th day of November he received them from some official, he does not pretend to say who. That is all there is about it, and that is all there is of it. And yet upon this record it is contended that they have traced these ballots and accounted for them for every hour from the time they were cast until they were supposed to reach the county clerk.

Now, the gentlemen feel that they have got so weak a case upon the facts that they must go down into the very grave; they are not satisfied to go into an ordinary grave, but they must go down into a grave that was dug by an assassin's hand, and from that grave they must dig up something that will appeal to the prejudice of the members on the opposite side of this House.

Mr. Speaker, William Goebel is dead, and it is not for me to be his eulogist. It has been said, in the language of the immortal poet:

> The evil that men do lives after them;
> The good is oft interred with their bones.
> So let it be with Cæsar.

I will not, sir, in this presence undertake to eulogize or to laud or to praise that mighty man of the people who met so untimely an end; but I do deplore that in this presence it was thought to be necessary by this majority to speak evil of the dead in order to bolster up this flimsy case and turn out this man who was honestly elected. I do say that it is pretty bad that they have got to go down into the grave of a man slain by an assassin in order to appeal to the prejudice of the members of this House.

While I need not and will not defend William Goebel, I want briefly, in the little time that is left to me, to call attention to one proposition. It has been said that the election law of Kentucky, under which this election was held, is one of the best passed by any State in this Union. The gentleman from Iowa [Mr. SMITH] said that he believed it was the very best that he had seen, because it was one of the latest and they had the advantage of

comparison with all the other States. This election was held under the provisions of that law, and the provisions of the Goeble amendment to that law, so far as it affects this case, had nothing whatever to do with it.

Mr. SMITH of Iowa. Will the gentleman permit an interruption?

Mr. BOWIE. Yes, sir.

Mr. SMITH of Iowa. I did not state that the election law was one which could be approved, but that the ballot law was one which could be approved.

Mr. BOWIE. Well, all right; I will let it stand at that. I have no time to look into the RECORD, and I will accept the gentleman's statement.

Now, let us consider the fine-spun distinction which the gentleman tries to draw between the ballot law and the election law. What is the Goebel law, which has been so maligned? Why, sir, before the Goebel law was enacted any county judge in a county of Kentucky could appoint the managers of elections, even though he was a candidate himself, and he had no associate with him. If he were a Republican he could appoint all the managers; if he were a Democrat he could appoint them all. The Goebel law changed that, so that in every county in Kentucky no man who was a candidate at an election could sit as an election commissioner; and under its provisions two of the election commissioners were of one party and one of the other in every county of the State.

Mr. LANDIS. Who recommended the member who represented the minority party?

Mr. BOWIE. There is no provision for that.

Mr. LANDIS. And the result was that the appointee was really some weak-kneed Republican—some Republican selected by a Democrat; was it not?

Mr. BOWIE. No, sir; I deny that.

Mr. LANDIS. In your district, if minority representation were given, would you consent to have the election board selected by Republicans of your district?

Mr. BOWIE. I deny that anything of that kind has happened in Kentucky.

Mr. LANDIS. It is true; all over Kentucky.

Mr. BOWIE. I deny it.

Mr. FOX. Let me say to the gentleman from Indiana [Mr. LANDIS] that there is not the slightest complaint on the part of the majority of the committee of any fraud of that sort. There is no allegation of that kind in the case.

Mr. BOWIE. Now, allow me just a word further.

According to the statement made by the gentleman from Illinois [Mr. MANN] in his opening speech last Saturday, there have been four election contests from Kentucky in which the issue of fraud was raised before this House—a Republican House—and each one of those contests, on the merits and facts of the case, was decided in favor of the Democrat—every one under this Goebel law. If the parties could not get a fair trial in the State of Kentucky, they certainly could get a fair trial in this House; and on a fair trial in this House every case that came here has been decided, so far as the question of fraud is concerned, in favor of the Democratic candidate.

Mr. SMITH of Iowa. The gentleman does not mean to say that four of those contests from Kentucky arose under the Goebel law?

Mr. BOWIE. Three of them did, I should have said.

Mr. SMITH of Iowa. The gentleman said "four." I presume he meant there were four contests from Kentucky, but not four under the Goebel law.

Mr. BOWIE. Three under the Goebel law, I believe, and all three of them, so far as the question of fraud was concerned, were decided in favor of the Democratic candidate.

Now, another thing. It is charged that in the county of Logan there was an unfair division of the election officials in the last election. Yet the report of the majority of the committee shows that, though more than 6,000 votes were polled in that county, only one ballot was changed, where the Democrats, as claimed, had the majority of the managers or judges. "The proof of the pudding is the chewing of the bag." That is the record as it appears in this House.

But the Goebel election law has nothing to do whatever with this case. In the county of Warren—in four out of five precincts upon which this case turns—the Republicans had the majority of the judges of elections; and it is the action of the Republican majority that is sought to be reviewed and set aside in this case. That is the case as it stands.

Mr. Speaker, I yield back the balance of my time.

Mr. UNDERWOOD. Before my colleague closes will he allow me a question?

Mr. BOWIE. Certainly.

Mr. UNDERWOOD. Are we to understand that there is no contention in this case as to the fact that the Republican judges were satisfactory to the Republican candidates?

Mr. BOWIE. There is not a particle of contention that the Republicans were dissatisfied with the election managers in the county of Warren, upon which this case turns. In the county of Logan, the only county in which they expressed dissatisfaction, out of 6,000 votes this committee, upon a month's consideration of this case, are able to find only one doubtful vote, which they give to Mr. Moss.

Mr. UNDERWOOD. One other question. In order to unseat the sitting member in this case is it necessary to count ballots that a Republican board in Warren County refused to count?

Mr. BOWIE. Absolutely so in 4 precincts—not 1, but 4 of them.

Mr. SMITH of Iowa. Will the gentleman allow me to ask who selected the so-called Republican boards in Warren County?

Mr. BOWIE. They were selected by a board composed of two Democrats and one Republican, and no living man questioned the fairness of them; no man questioned their Republicanism—not a single man—and you do not question it in your report in this case.

Mr. OLMSTED. Is it not a fact that they refused to appoint the Republicans that the Republican organization recommended?

Mr. BOWIE. They pretended that was the fact in the county of Logan, as I have said, and after one month's work on this case they found one ballot which they could change out of 6,000.

Mr. UNDERWOOD. In Warren County they made no contention.

Mr. BOWIE. Never.

Mr. SMITH of Iowa. Will the gentleman state to this House that in Warren County they appointed the persons nominated by the Republican organization?

Mr. BOWIE. I will state to this House that in Warren County there was not a question raised by either side but what the Republicans got exactly what they wanted.

Mr. SMITH of Iowa. The gentleman then declines to answer the question.

Mr. BOWIE. I only go upon this record. I do not know what they may have said outside of this record. I say that neither by the testimony in the record, nor by the argument of counsel, nor by the report, which you had the honor to sign, was there a suspicion cast upon the good faith and the honor and the integrity and the Republicanism of the Republican managers in these precincts where they set aside these votes. That is what I say, and that is my contention, and it is their action which you are undertaking to annul and declare void.

Mr. FOX. How much time has the gentleman consumed?

The SPEAKER pro tempore. Twenty-eight minutes.

Mr. MANN. Mr. Speaker, I yield thirty minutes to the gentleman from Maine [Mr. POWERS].

Mr. POWERS of Maine. Mr. Speaker, in the examination of this case I think I have tried to determine what was right. I knew nothing of either the contestant or the contestee until I met them before the committee. I would not do either of them an injustice. I went into the examination of this case with the same spirit, the same desire to do justice, and the same determination to ascertain who was in fact elected that animated and controlled me in the examination of the case of Spears against Burnett, where I reported last Saturday in favor of the Democratic contestee. And having examined it fully and carefully I came to the conclusion—and I know something of election contests—that the contestant in this case had received an honest majority of the votes cast in his district, and that if the election officers had done their duty, if they had obeyed and complied with the constitution and the statutes of Kentucky, even under this Goebel law, which gentlemen on the Democratic side have told so much about and eulogized, that the certificate would have been issued to him, and that it was only by a violation of their duty and their oaths in refusing to count ballots that under the decision of the supreme court of the State of Kentucky should have been counted for contestant that the certificate was given by them to the contestee.

Now, I care not myself whether the election officers that were thus guilty were Democrats, as was true in some cases, or at least a majority Democrats, or whether there were but one Democrat and two Republicans of that peculiar stamp that the Democratic county election officers deemed it safe and advisable to select—it does not in the least mitigate the fraud.

Mr. BOWIE. What do you think under the old law of the Democrats of that peculiar stamp where a Republican county judge would select them all?

Mr. POWERS of Maine. I apprehend that when a Republican county judge selected he would select fairly. I have never heard that he did not. If I am not mistaken, the record shows we had but two Republican sheriffs in all the precincts, and he has the controlling vote.

Mr. BOWIE. What is that?

Mr. POWERS of Maine. That was in Logan County, I believe.

I know also that it was contended before the committee, and I think appears in the records, and it was not denied at the hearing, and that it was the law, which was changed afterwards, because its injustice and unfairness was so manifest that at the time of this election the county election board, consisting of a majority of Democrats, selected as Republican judges and sheriffs, not the men that had been presented by the Republicans or by the minority, as is the general practice in other States, but such persons as they saw fit to call and to designate as Republicans.

Mr. BOWIE. Where was this county—what county is that you speak of, where they only selected such men as they chose to?

Mr. POWERS of Maine. I say that the law gave them that power, and I think my charge is true of every county.

Mr. BOWIE. Do you say there is anything of that sort done in Warren County?

Mr. POWERS of Maine. I do not know that there is any special evidence as to their proceedings in Warren County, but it is common knowledge that they proceeded in that way everywhere.

Mr. BOWIE. I say, Mr. Speaker, there is not a particle of evidence of that sort.

Mr. POWERS of Maine. The law permitted them to select the Republicans that they saw fit to choose. The law under which this election was held, and which had been repealed, but which remained in force until this election was held, did not permit the Republicans or any minority party to present the name of a man who was to represent them on that board, and if you will let the opposing party in almost any State select as the Democratic members of a board those whom I choose to call Democrats and to have them act as they did in all the precincts—men in many cases unfit, and who knew nothing about the laws of election—I think it will have no great trouble to get votes not counted or thrown out as they were in this case.

Now, right here, to illustrate it, let me take a precinct and read the evidence upon this point in this case. In one of the precincts Mr. Downer was tendered as a witness. He was a Republican sheriff that they saw fit to appoint in a precinct where they transferred 25 votes from Moss to Rhea, and I shall come to that by and by. Now, what does he say about it? He says, first, that he had never acted upon an election board before; second, that he did not believe what was proposed to be done was right, but that they had some whisky there and that the Democratic clerk, Mr. Wright, after a time declared that if he did not sign these returns so and so, as these certain little marks vitiated the votes, then he would not make up the report or sign it, and he said he thought it was best to do it rather than to have any fuss. That was one of the Republican officers that this Democratic county election board gave us in the very few places where we had a majority of the board.

Mr. SMITH of Kentucky. I want to say for Mr. Downer that he is as upright and reputable a citizen as there is in the Commonwealth of Kentucky, although he is a Republican.

Mr. POWERS of Maine. That may be, but I can read what he said.

Mr. SMITH of Kentucky. There is no better man in Kentucky than Mr. Downer.

Mr. POWERS of Maine. I am telling you what Mr. Downer said.

Mr. SMITH of Kentucky. Anyone in that country who knows Mr. Downer would resent any reflection made upon him.

Mr. POWERS of Maine. I am not making any reflection upon Mr. Downer, but I doubt very much indeed if Mr. Downer, never having acted on an election board before, understood, as he says he did not, what had been decided by the supreme court of Kentucky, that certain marks upon a ballot should not prevent that ballot from being counted, and therefore it was very easy for these other men who did understand it to press him in after a time and have him sign the returns, as they had wrongfully made them.

Mr. SMITH of Kentucky. Mr. Downer is one of the most intelligent and one of the best citizens in that whole section.

Mr. POWERS of Maine. I do not know how that may be.

Mr. SMITH of Kentucky. If you go down there you will find out how that is.

Mr. POWERS of Maine. Let us take that vote in that precinct, for there were 25 ballots peculiarly dealt with. Let us see what Mr. Downer says. There is where this clerk—Mr. Wright—obtained a dry stencil; went into the booth and got it, and placed a little impression, so slight that you could hardly see it, upon somewhere from 25 to 40 Republican votes, marked and voted for the Republican candidates, and then had them counted for Rhea.

Mr. FOX. That does not appear in the record, does it?

Mr. POWERS of Maine. I am going to read it and show it. If I do not read it, then we will say it does not appear.

Mr. FOX. Is there a syllable of testimony in the record that the clerk put that mark there?

Mr. POWERS of Maine. Well, we will see when we get to it. There was where we took our judge, for each judge has a key to the box, and went and asked the contestee to bring the Democratic judge and have the box opened, and he would not do it, for the purpose of examining these votes that had been thus treated. Now, let us see what the evidence is.

Mr. SMITH of Kentucky. Let me ask the gentleman——

Mr. POWERS of Maine. One moment. Let us see what the evidence is.

Mr. SMITH of Kentucky. You speak of their refusing to open the box. I want to ask the gentleman if he knows that the law of Kentucky absolutely precludes the opening of these ballots that have been counted, except in case of a contest?

Mr. POWERS of Maine. Well, here was a case of contest.

Mr. SMITH of Kentucky. Not a contest over those ballots.

Mr. POWERS of Maine. Yes, there was; over these identical ballots that the mark had been placed on.

Mr. SMITH of Kentucky. Yes, but the ballots, as I understand, had been counted as valid and sealed up inside of the ballot box.

Mr. POWERS of Maine. Yes, but there was a contest over them as to these 25 votes, and we have it here. Let us see what they did. First, Mr. Downer, who is such an excellent gentleman——

Mr. SMITH of Kentucky. Yes, he is a good man——

Mr. POWERS of Maine. Mr. Downer swears, in his testimony, as follows:

17. Q. State if during the day you saw the clerk go into one of the booths and take anything therefrom, and what he said, if anything.

A. I think it was about 10 o'clock in the morning. Of course, I could not see what he took, but he went into one of the booths, and when he came out he had something in his hand that looked like a stencil, and was picking on the point of the stencil, and he stated while picking on the point of the stencil that some of these damn voters had been pressing on it so hard they had pushed the rubber up in the instrument, and remarked also that "I will just take the stencil from the one uppermost this way, that they are not using, and put it in the one that they got this one that was damaged from and try to repair this one."

He next asks:

28. Q. What names were marked besides those under the log cabin?

A. Rhea and Gorin.

29. Q. Was the stencil mark under the log cabin and that opposite the name of Rhea and Gorin of similar character and distinct?

A. No, sir; the one under the cabin was plain and distinct and the other very indistinct.

30. Q. Who called attention to these marks opposite the name of Rhea and Gorin?

A. The clerk, Mr. Wright.

31. Q. Did you notice these marks yourself?

A. I never would have discovered them unless you put them right up between the eye and the light; there was no ink on them.

That is, the 25 votes or 40 votes, as others suggest.

31½. Q. You say there was no ink on the stencil?

A. I could not discover any.

32. Q. Describe the condition and appearance of these marks under the cabin and opposite the name of Rhea and Gorin.

(Counsel for contestee object to the foregoing questions because the ballots are still in existence and show for themselves as to the condition of the stencil mark.)

These are the ballots that they would not let us get at.

A. Well, it appeared to me that it was pressed on just by hard pressure with the hand. Just looked like you had taken a stencil and pressed on it with your hand and left an indentation.

33. Q. Was this the appearance also of the stencil mark under the cabin?

A. No, sir; that was perfectly distinct, with ink.

Under this dry-pressure scheme, so difficult to detect, they counted for Mr. Rhea instead of Mr. Moss from 25 to 41. This shows how near we bring it to the clerk and he does not deny it, nor does contestee take his deposition to refute the natural presumption. But I will also read some more of it.

34. Q. Who was the first person to notice these different ballots?

A. Mr. Wright.

35. Q. Was any objection made to counting them?

A. Yes, sir; they all objected, all the Republicans.

36. Q. Why were they counted?

A. Well, the clerk claimed that anything that indicated that there had been an effort to make a mark there would have to go.

37. Q. For whom were these ballots counted?

A. For Mr. Rhea and Gorin, and for the Republican electors, and Yerkes.

38. Q. What was done with these ballots that were stamped under the device of the log cabin and opposite the name of Rhea and Gorin?

A. They were placed aside when we began to count up the result of the different candidates.

39. Q. After the count was made in what bag or receptacle were they placed?

A. The one prepared by the officers or sheriff to inclose them in.

40. Q. Were they placed in the sack marked and sealed up as ballots that were counted as valid, or among the questioned or rejected ballots?

A. They placed them in among the counted ballots, I think.

41. Q. Do you know where they are now?

A. We took them after the thing was over that night and delivered them to the clerk—I have not seen them since—the county clerk.

Then he was cross-examined by Mr Sandidge, counsel for contestee.

27. Q. Did I understand you to say that there was no ink marks in the square opposite the name of Mr. Rhea and the name of Mr. Gorin?

A. I could not discover any; I have reference to those that were disputed about.

28. Q. What was the number of those in which you could discover no stencil mark?

A. I think there were 41, if my memory serves me.

Others did not make it so many; so we have placed it in our report at 25.

29. Q. Why didn't you have those ballots returned as contested or questioned ballots?
A. Well, Mr. Wright stated that he would refuse to sign the thing unless we allowed them to go.

Mr. Wright, who is the clerk, stated that he would refuse to sign it unless they let them go.

30. Q. Why didn't you refuse to sign them if they did allow them to go?
A. Well, that might have been a question, but we concluded to let them go.
31. Q. You didn't believe, then, if I understand you, that these ballots had been voted for Mr. Rhea and Mr. Gorin?
A. We had our doubts about it.
32. Q. Notwithstanding this you signed the returns and swore to it, stating that Mr. Rhea and Mr. Gorin had both received these votes?
A. I don't understand it that way. We came as near to an agreement as we could, and we all signed with that understanding.
33. Q. You didn't ever have them returned among the contested or questioned ballots, did you?
A. I don't remember distinctly now all the classifications that were made, but I know we come as near to an agreement as we could and signed them.

I want to show you how this Mr. Wright managed it, and that the Republicans never had anything to do with this matter. Here is the deposition——

Mr. SMITH of Kentucky. Are you going away from this particular question?

Mr. POWERS of Maine. I am going to read on the same question. Here is the deposition of R. C. Causey.

Mr. SMITH of Kentucky. He was a Republican.

Mr. POWERS of Maine. He was a Republican—sheriff.

33. Q. How many that were not counted?
A. Forty-one.
35. Q. In examining these ballots did you find any ballots with the stencil mark under the log cabin, and then marked for anyone else under any other device.
A. Yes, sir; not under any other device. I believe there was one ballot in the whole lot that was that way, but there were Republican ballots that I didn't call a stencil mark opposite the name of Rhea and George Gorin—just like you take a stencil and press down and make an impression without any ink.
36. Q. Do you know how many of these ballots there were?
A. I think there were 33—I think it was. I did have a statement of it, but I gave it to some one the night of the election, and I have not seen it since.
37. Q. Was the stencil mark on these ballots under the log cabin, and that opposite the name of Rhea and Gorin equally distinct, or what was the difference between the stencil mark under the log cabin and that opposite the name of Rhea and Gorin?
A. The stencil mark in the device was plain under the log cabin, and that opposite Mr. Rhea's name and Mr. Gorin just look like you had taken a stencil without any ink and made an impression on the paper. Could not have been done with anything else, I don't think.
38. Q. Was that distinct or very indistinct?
A. Very indistinct.
39. Q. Was it distinct enough that you could see it with your natural eye, or you have to use your glasses?
A. I had to use my glasses, and some of them I could not see it then; only they said they could see it.
40. Q. Who called attention first to these marks opposite the name of Rhea and Gorin?
A. Mr. Wright.
41. Q. What did he say about them?
A. He contended that they were made after the stencil on the long cabin, but not enough ink on it to make it plain.
42. Q. Made after the long cabin, but not enough ink to make it plain?
A. Yes, sir. He tried to show me the shape of the stencil on the paper, but wherever it was pressed hard enough it always made a print.
43. Q. Did it appear from any of these marks that there was any ink on the stencil?
A. No, sir.
44. Q. Was there any objection made to the counting of these votes for Rhea?
A. Yes, sir; I objected, and told them once I would not sign the book.
45. Q. What did you do with these ballots?
A. Well, there were 41 in all that never was counted for anyone.
46. Q. What did you do with these ballots that were marked distinct under the log cabin and indistinct for Rhea and Gorin?
A. Well, there were a good many counted. I could not say how many.
47. Q. Well, when you completed the count what did you do with the ones that were counted?
A. Put them all in the ballot box and locked it up.

Now, here is a deposition of J. M. Hagan on the same point to the same effect:

29. Q. Do you remember the number of ballots that were not counted at all?
A. Yes, sir; 41.
30. Q. Was the cross or mark opposite the names of Rhea and Gorin distinct or indistinct on the 29 referred to?
A. They were very dim. In a great many cases the officers had to get their spectacles in order to see any cross at all.
31. Q. Who first called attention to the marks opposite the names of Rhea and Gorin?
A. Charley Wright.
32. Q. What did he say about them?
A. He called the attention of the other members to those crosses that the ballots were voted for Rhea and Gorin.
33. Q. Did it appear from the marks made opposite the names of Rhea and Gorin that there was any ink on the stencil?
A. Very little; it seemed more like the impression of a dry stencil. I objected to the counting. Mr. Wright said that he would not sign a thing unless they were counted.
34. Q. You remember what the objection was to the 41 ballots that were not counted at all?
A. Yes, sir. They claimed they were disfigured ballots.

Now, then, if the gentleman has any question to ask me.

Mr. SMITH of Kentucky. Now, this last witness, as I understand you, admits there was some inking, but he says very little?

Mr. POWERS of Maine. He hardly admits that.

Mr. SMITH of Kentucky. I understand there is no controversy over these facts.

Mr. POWERS of Maine. Oh, yes; there is.

Mr. SMITH of Kentucky. Oh, I thought that they had been counted and they did not enter into the contest.

Mr. POWERS of Maine. Oh, yes; they do.

Mr. SMITH of Kentucky. Does the majority undertake to cast out these 25 votes that were thus marked for the contestee, Rhea, and Gorin?

Mr. POWERS of Maine. I will read to you about that in due time in the majority report. Now, this man Wright is and was there in Kentucky, and, with reference to these marks on every one of these ballots, neither Mr. Wright nor the counsel for the contestee, that took more depositions than the contestant, offer any explanation of them, but leave it without answer or denial, so that it has been brought pretty close to Mr. Wright, I think. In answer to the gentleman's question, I felt a little different. My views were perhaps a little stronger in reference to counting these and certain other ballots which I will consider in a minute than those of the distinguished chairman of the subcommittee. And so, if you will look into the report signed by the committee, you will find an alternative report. The record shows that different witnesses do not agree as to the number of these dry stencil ballots; one makes it 33, and others 25 to 41. So we called the number 25 in the report. If you will turn to page 22 of our report it gives the votes in which it states that there may be the same question, and then gives it, deducting the 25 illegally counted for Rhea in the police court district of Warren County, and they are deducted.

Mr. SMITH of Kentucky. They are deducted.

Mr. POWERS of Maine. And that number should be added to Mr. Moss's vote. If you do it, the majority for Moss will be 96 instead of 21, if you allow him some others about which I have no question and to which I will soon refer.

Mr. SMITH of Kentucky. Is there not why it makes the majority for Rhea?

Mr. POWERS of Maine. Oh, no. There is without any reference to these votes——

Mr. SMITH of Kentucky. When you leave these 25 votes and have them counted for Rhea, does not it leave Mr. Rhea a majority?

Mr. POWERS of Maine. No, sir. If you do not take these 25 votes from Mr. Rhea and do not count certain votes for Mr. Moss that I think clearly under the law should be counted, if they leave them out and do not count these 25 votes, then Mr. Moss would have a majority of only 21; but if you deduct these 25 votes from Mr. Rhea's column and also add them to Mr. Moss, where they should be, and also add some other votes that I will come to very soon, then the majority of Moss is, and should be, 96, as I believe, instead of 21.

Mr. SMITH of Kentucky. In other words, you are not standing by the report of the committee?

Mr. POWERS of Maine. I am standing by the report of the committee, for it is an alternative report.

Mr. SMITH of Kentucky. Leaving that aside, I want to ask the gentleman this question: You ask the House to say that these 25 votes shall be taken off from Mr. Rhea upon the idea that this clerk, Wright, with that stencil there in the open room, with a Democratic judge and a Democratic challenger, a Republican judge, a Republican sheriff, and a Republican challenger—five men, ten eyes looking at him—could take that stencil and make those marks on the ballots in the square opposite the names, and you ask us to believe that before we can take the votes?

Mr. POWERS of Maine. Well, if the gentleman from Kentucky is done making a speech or an argument in my time, I will answer. The Republican judge was sitting over at a box some way off, handling a registration book. The Republican sheriff was out at the door, as he testifies, 25 feet away, receiving voters and letting them in. The Democratic judge was here, and the clerk was here with a dry stencil handing out the votes. It was as easy as that two and two make four to commit this fraud, and I believe he did it.

Mr. SMITH of Kentucky. What was the Republican challenger doing?

Mr. POWERS of Maine. I do not know. I believe he was challenging votes as they came in at the door. He was not watching for this sort of a thing, doubtless did not expect it, and I submit that these peculiar marks on 25 to 41 votes with a dry stencil raises such a strong suspicion of fraud, with the additional proof by the three witnesses that this clerk went in and got a stencil and pulled the rubber out of it, added to the fact that his deposition has not been taken by the contestee to deny or explain or to show that he had acted honestly and fairly—that it makes out the strongest kind of a case for contestant as to these 25 votes.

Mr. SMITH of Kentucky. In other words, if a man is charged with crime and fails to testify, you convict him.

Mr. POWERS of Maine. Oh, but that is not all. That is only a fair sample of the way this thing was done. "From one know all." Now, while I am at it, I will take up another point in the case. You will notice also in our report that we do not count in our first statement a certain number of votes—that is, we question them—where it was impossible to tell whether the mark under the Republican circle or the Democratic circle or the corresponding marks under the Socialist Labor circle and the Socialist Democratic circle were made first or last. I believe, under the decisions of three States—and I have one here—that every one of those votes should have been counted. You will find in the alternative report that a number of votes of that character we do not count in the first computation. We only counted, in getting a majority of 21, those where we were confident, where you could plainly see, that the mark was broader and better under the device of the Republican or Democratic party; we set aside 7 of Rhea's votes and 32 of Moss's votes because the marks under the Democratic and Republican devices and the Socialist Democratic and Socialist Labor where the blots were were alike.

Now, there was no candidate for Congress on the Socialist Labor or the Socialist Democrats' ticket—I think I get the terms right. The statute of Kentucky expressly declares that where there is more than one candidate voted for for any office that vote shall not be counted. As there was no candidate for Congress in the Socialist Labor or Socialist Democrat column, notwithstanding there may be a mark in those devices as well as in the Republican and Democratic device—although I believe in every instance but one it was done by folding—notwithstanding the mark may be made as distinct in the one case as in the other, yet as there was no candidate for Congress under either device the man has only marked for one candidate and his vote would be counted. I am not aware that that question has ever been decided by the State courts of Kentucky, but in Illinois, under a similar statute, it has been decided.

Mr. SMITH of Kentucky. The gentleman has the provision of the Kentucky statute relating to that proposition?

Mr. POWERS of Maine. Yes; I have it here.

Mr. SMITH of Kentucky. I do not ask the gentleman to read it, but I ask him to insert it in his remarks.

Mr. POWERS of Maine. Very well. Now, under exactly a similar statute this question came up before the supreme court of the State of Illinois, and here is the decision. I will read from the opinion of the court:

Marking a ballot by a cross will not prevent the vote being counted for a candidate named on one ticket for an office for which no candidate is named on the other

Therefore we claim, and it seems to be right, that he voted for but one man, and that these 32 votes should be counted for Moss and that those 7 should be counted for Rhea.

Mr. SMITH of Kentucky. I think the gentleman will find upon close examination that there is a difference between the Kentucky statute relating to that matter and the statute of Illinois.

Mr. POWERS of Maine. Well, I will read what the Kentucky statute says, if you will wait a moment. I think it states it as I gave it to you.

Now let me hasten along. The supreme court of the State of Kentucky has decided—and I think there is no question about it—that notwithstanding the statute provides for marking the ballots with a stencil and black ink, yet the vote shall not be rejected though marked with a lead pencil, or marked outside the circle, or with a red pencil, or the butt end of a stencil, unless it can be shown that this has been done with some fraudulent purpose. The court construes the statute in reference to marking as directory. It recognizes the distinction, which I think all courts recognize, that statutes which direct the manner in which the right of voting shall be exercised are directory, but all statutes which confer a right, which designates the persons who shall or shall not be legal voters, are mandatory. Such are statutes prescribing the age or sex of voters, etc. All these mandatory statutes must be complied with, while statutes which simply direct how rights shall be exercised are directory. If the voter has placed his ballot in the ballot box, and there has been any neglect on the part of the officers to see that the vote has upon it all things required by the statute, yet if the voter is no party to such neglect his vote shall be counted. I think that is the tenor of the decisions, and I think such a construction of the law is right.

Now, let us look at the facts of this case for a moment. First, we have the blurred ballots. I claim that in these cases, as it is evident that the folding of the vote made the blot and that where the blot appeared there was not the name of any candidate, every one of these votes should be counted.

Mr. THAYER. I understand the gentleman from Maine has gone over this case very carefully——

Mr. POWERS of Maine. I have.

Mr. THAYER. And has come to the conclusion that, in fairness and justice, Mr. Moss ought to be regarded as receiving 96 majority.

Mr. POWERS of Maine. I would give him that.

Mr. THAYER. That is what the gentleman would give him if he alone were the committee. Now, if the other members of the committee think that Mr. Moss has but 21 majority, who is right?

Mr. POWERS of Maine. The other members of the committee were inclined to take, I think, my view of it. There are two tabulated statements——

Mr. THAYER. As a matter of fact——

Mr. SMITH of Iowa. Will the gentleman from Massachusetts [Mr. THAYER] yield a moment?

Mr. THAYER. I will, if I am not cut off from finishing my question.

Mr. SMITH of Iowa. I want to say that the assumption that any member of the committee ever conceded that the contestant had only 21 majority is a mistake.

Mr. THAYER. That is the very point I want to reach.

Mr. SMITH of Iowa. No member of the majority concedes that.

Mr. THAYER. I understand from the remarks of the gentleman now on the floor [Mr. POWERS of Maine] that the committee holds that the majority, properly estimated, is not only 21, but ought to be more than that. Am I correct in that?

Mr. SMITH of Iowa. Absolutely correct. Very much more than that.

Mr. THAYER. Then why should you ask the House to predicate its action upon this doubt? I understand that these tickets, some of them, were marked with a lead pencil and were thrown out by the ward or precinct officers. Now, the statute provides that if any voter makes a mark upon his ballot for the purpose of identification his ballot shall be discarded; and therefore the precinct officers discarded those ballots. Now, the majority of this committee come and say that they do not know whether the voter put that mark there or whether the clerk did it; but they assume the clerk did it because he was the one who found it. Now, it occurs to me that the clerk is the one who is responsible above all other men for finding those marks; and it ought not be considered as any evidence that he put the marks there because he brought those marks to the attention of the others, he being one of four officers whose duty it was to scrutinize those ballots. Under the circumstances, why should not those ballots be thrown out rather than counted as the committee have counted them? And further——

Mr. POWERS of Maine. Is the gentleman through with his speech?

Mr. THAYER. I have not taken but a minute. I have undertaken to ask the gentleman about some things which I would like to have him explain. Now, I want to know how we can be any more correct when we frame such conclusions as those to which the committee has come than the precinct officers in framing their conclusions. Those are the suggestions which I would like to have the gentleman answer.

Mr. POWERS of Maine. I do not know whether I can answer satisfactorily to the gentleman from Massachusetts, but I think I can give a satisfactory answer.

In the first place, each one of those ballots where there was a slight mark upon it was counted, and is included in the 21 majority.

Mr. THAYER. But they were not counted by the election officers.

Mr. POWERS of Maine. No, sir; but the supreme court of the State of Kentucky had decided in reference to similar marked ballots that they should be counted.

Mr. THAYER. How do you know but what the voter put those marks there—those two bars in connection with his name—so that, having agreed to vote for one candidate or the other, the persons interested might know whether he had carried out his bargain or not? How do you know the voter did not make those marks with some such intention?

Mr. POWERS of Maine. I will answer that question right now. I do not believe there is a fair-minded man within the sound of my voice that can look at those tickets and see the peculiarity of the mark, evidently everyone put on with one lead pencil and in but one handwriting on a few Democratic ballots and a large number of Republican, and come to the conclusion that they were put on by any voter or that they could give any indication of what any voter had done. That is how I will answer that, and in a similar case before the supreme court of Kentucky, with ballots having similar marks, the courts have held that it is not enough to show that something of that kind is on the ballot, but there must be other evidence to show it was fraudulently put on before the ballot could be thrown out.

Mr. THAYER. You say the same handwriting. There were

simply two little marks, something in a V shape, not at all alike. There is nothing in the mark that would indicate the handwriting of anyone, as I inspected them.

Mr. POWERS of Maine. I think there is, and on that I disagree with the gentleman.

Mr. SMITH of Kentucky. I would like to call attention to the fact that in order to permit these votes to be counted, you have to believe your clerk made these marks in the presence of the other five election officers.

Mr. POWERS of Maine. I think that question has been answered already. Whether the clerk made it or whether they were sort of catch marks put on the ballots before they were sent out, or where they were made, it does not matter; I know this, that under the decision of your supreme court in Kentucky they should have been counted, and that should settle it.

Mr. WHEELER. I would like to ask the gentleman if he thinks that decision good law?

Mr. POWERS of Maine. It is the law of the State of Kentucky.

Mr. WHEELER. Is the committee following that decision?

Mr. POWERS of Maine. I think they are.

Mr. WHEELER. If the committee follows that decision why should it not also follow the decision of the court of appeals of Kentucky in other respects?

Mr. POWERS of Maine. I think they do.

Mr. WHEELER. The remarks of the gentleman's colleague on the committee——

Mr. POWERS of Maine. I think the gentleman from Iowa [Mr. SMITH] settled that question pretty thoroughly.

Mr. WHEELER. I do not understand.

Mr. POWERS of Maine. I say I think the gentleman from Iowa [Mr. SMITH] settled that question pretty thoroughly, and I do not care about taking what little time I have to go over it again.

Mr. WHEELER. I was just trying to induce the gentleman to reconcile his statement with the statement of the gentleman from Iowa. I, of course, do not desire to go into it myself.

Mr. POWERS of Maine. Now, what is the truth, what is right, what is just? I have only one or two observations more. I want to say one thing about these ballots and the manner in which they were returned. Let us look at it candidly; let us understand it. Some of our friends on the other side have tried to create a great furor that we are going into the grave of a man who has been placed there by an assassin; that we are attacking Goebel in commenting on the Goebel law. I have not heard one word derogatory of Mr. Goebel from any members on this side of the Chamber. The gentleman is simply creating his man of straw and then knocking him down. We say nothing for or against him; we simply state the provisions of the law and let that speak for itself, whether it be for or against. I say under this law enacted by a Democratic legislature a Democratic board sitting at Frankfort, I believe, appoints in every county in Kentucky a Democratic election board—at least a majority of it is Democratic—and the county board appoint election officers in every precinct. They have the entire election machinery under their control. This law provides for furnishing one blank, and that blank they fill out and return. Gentlemen claim that other returns for which no blank is furnished must be made or we can have the votes returned in the linen bag counted for want of proper and sufficient identification.

Mr. SMITH of Kentucky. Are you referring to the present law or to what was known as the Goebel law?

Mr. POWERS of Maine. The law that existed at the time this election was held. That blank was used by the election officers. It also provides that all questioned ballots or questioned and not counted ballots—questioned and rejected I think are the words used—

Mr. SMITH of Kentucky. "Questioned or rejected?"

Mr. POWERS of Maine. Questioned or rejected, yes; shall be sealed up in a separate linen bag, and it then states certain formalities that shall be observed, all of which I believe to be directory, and then that this bag with the ballots shall be delivered by the precinct sheriff to the county clerk. That the ballots counted as valid shall be placed in a certain box, and that ballots not used shall be destroyed by the precinct officers. This whole machinery, from first to last, is under the control and the supervision of the party of the contestee. They send a return and these ballots, which are a part of the record, to the county clerk. We take the deposition of the clerk showing how these ballots came into his possession and have been in his custody ever since; yet they say there is no sufficient identification and no proof that these were not counted—some of them. Let me say in reply to that, in the first place, that an examination of those questioned and rejected ballots will show that every ballot rejected there and returned in the several linen bags was rejected as a whole, and on account of a mark that went to it as a whole and not as to some particular person on that ballot.

Mr. SMITH of Kentucky. I would like to ask the gentleman a question, because I am sure he wants to do what is right.

Mr. POWERS of Maine. Yes.

Mr. SMITH of Kentucky. I want the gentleman to demonstrate to me, with some judicial certainty, that these ballots were all rejected in these precincts that are in controversy.

Mr. POWERS of Maine. That is what I am going to do.

Mr. SMITH of Kentucky. I want to hear the gentleman on that proposition.

Mr. POWERS of Maine. I say, in the first place, an examination of every ballot there that we have treated as not counted will show that the reason for which it was rejected applies to the whole ballot, and not to some particular name on that ballot.

Mr. SMITH of Kentucky. Well, you are assuming that it was rejected in that statement.

Mr. POWERS of Maine. Hold on. That is the first proposition. I say next that in the whole proceeding, in all the taking of the testimony, not one single Democratic election officer from any precinct was called to testify that one of those ballots had been counted. That is the negative testimony upon the subject.

Mr. WHEELER. You could not do that.

Mr. SMITH of Kentucky. That could not be done.

Mr. POWERS of Maine. They could have been called to state that they were counted.

Mr. SMITH of Kentucky. No; you could not introduce testimony of that kind. It would not be competent, and the gentleman knows that.

Mr. POWERS of Maine. Well, I do not know that, although I used to think I knew a little law.

Mr. SMITH of Kentucky. I am willing to do the gentleman the justice to say that he must know it, as good a lawyer as he is.

Mr. POWERS of Maine. I confess that I do not know it, and I believe my statement correct. Now, I do not expect to demonstrate this to the satisfaction of the gentleman. But I want to state one thing more. There is a distinction between votes and ballots. When the return shows that so many ballots were counted and so many were rejected, and so many were spoiled and so many were destroyed, and when the number of ballots counted is exactly the same as the number of votes for the two candidates—I hope I make myself plain—to presume that some of the votes in those rejected or not counted have been included in the votes counted for Rhea and Moss, and that some man who had voted, some of the votes that were put among the counted ballots, had scratched out or erased the names of Rhea or Moss, would be to presume, without knowing anything about it, that the number of names erased and the number of names that were counted afterwards from the questioned or rejected ballots were exactly and identically alike in every case, which could not happen and is not even thinkable.

Mr. SMITH of Kentucky. Now, I think I understand the gentleman's theory and his reasoning on that question.

Mr. POWERS of Maine. So I take those three things. Now, if the gentleman will allow me——

Mr. SMITH of Kentucky. All right.

Mr. POWERS of Maine. I do not want to take much longer time, because I am occupying time that some other gentlemen can use a great deal better.

Mr. SMITH of Kentucky. I am greatly interested in the gentleman's speech, and he is talking as I like to hear a man talk on a question.

Mr. POWERS of Maine. The gentleman's compliment is very polite, though I fear not deserved. Looking at it from the standpoint that I wanted to do what was right and fair—I may have been prejudiced——

Mr. SMITH of Kentucky. I believe you wanted to do what was right.

Mr. POWERS of Maine. I have no doubt myself that the contestant Moss should have had that certificate of election. It is not a matter of any consequence to this House or to the Republican members of this House whether we have one more or one less member here. The gentleman must admit that.

Mr. SMITH of Kentucky. That is true.

Mr. POWERS of Maine. It is a matter of grave consequence whether or not the man who is entitled to a seat and who should have had the election certificate if the votes had been honestly counted is deprived of that seat by a refusal of the election officers to do their sworn duty.

Now, the gentleman from Texas [Mr. BURGESS] seemed to give us some advice that I think we may not exactly comply with. I recollect that he advised us, in short, to own that we are knocked out, and quit; that we have no honest case. He told us that the era of good feeling that is dawning will be injured if we commit this great violence to the State of Kentucky.

Now, I am of those who recognize the fact that the civil war is over, and I am of those who believe that all of its bitterness should be forever entombed in oblivion and forgetfulness. I am

glad to see this era of good feeling ushering in the dawn of the twentieth century. Still, if that era of good feeling is dependent upon this House recognizing and legalizing a false and fraudulent return of votes, a refusal to count votes that should be counted, under the law and by every consideration of eternal right and justice, then I think we are paying a pretty high penalty for it. I think the gentleman drew largely upon his imagination in making that statement. I believe that if this Republic is to endure, if constitutional government is to continue and bless millions yet unborn, it is essential that when a ballot has been cast it should be honestly counted. If we would have the people willingly and cheerfully submit to verdict at the polls they must believe that verdict has been honestly obtained.

I recognize and indorse the position taken by the minority as to right of the State to determine who shall and who shall not vote. That right is a State right fully. This is not a question of calling the State of Kentucky to account for its election laws. I think the laws of Kentucky, in allowing persons to vote, those which confer the right of suffrage, barring the fact that they do not grant female suffrage, as is the case in some few States, are as liberal as any laws in any State in the Union, perhaps more liberal than they ought to be. They have not any educational test, no property test, and they have not yet arisen to the sublimity of the idea of having a grandfather clause. They are all right in conferring the same privileges of voting on black and white, poor and rich.

Mr. SMITH of Kentucky. Let me ask the gentleman if in his State they have an educational or tax-paying test?

Mr. POWERS of Maine. We have a slight educational test, but it applies to all, black and white, alike.

Mr. SMITH of Kentucky. I understand; and does not the gentleman regard it as a pretty good qualification?

Mr. POWERS of Maine. I wish to say to the gentleman that I do. I have no objection to an educational qualification or test at any time, in any State or anywhere. Our educational test is very slight in its effect at present. It was adopted some six years ago. I had something to do with the adoption of it. I believe in it; it only applies to persons who had never exercised the right of suffrage before that day.

Mr. KEHOE. A grandfather clause?

Mr. POWERS of Maine. We have no grandfather clause.

Mr. SMITH of Kentucky. It is a kind of grandson clause, is it not? I would like to ask the gentleman a question or two as to the method in reaching his conclusion in reference to the questioned ballots.

Mr. POWERS of Maine. I have answered a great many questions of the gentleman, and have occupied much more time than I had intended or expected to.

Mr. SMITH of Kentucky. If the gentleman does not care to answer them, I will not ask them.

Mr. POWERS of Maine. I will say this to the gentleman. I believe that the Republican party is not only pledged to a sound currency and to the protection of American industries and American manufactures, but it is one of its cardinal principles that there shall be a fair ballot of those entitled to cast a vote, and that the vote when cast shall be honestly counted.

Mr. SMITH of Kentucky. I agree with the gentleman in that proposition.

Mr. POWERS of Maine. I am glad to stand with the gentleman on that proposition and believe an honest count of the votes cast in the Third district of Kentucky gives to the contestant, J. McKenzie Moss, the absolute right to a seat in this House as a member of the Fifty-seventh Congress. I believe that as firmly as I ever believed anything in the world. I had carefully investigated the subject when I signed this report. The report signed is of rather an alternative character and presenting two methods of counting, either of which seats the contestant. I believe that it would be doing violence to the voters and overruling the will of the majority were we not to seat the contestant. I do not believe that technicalities should be allowed to thwart the popular will. In a conversation with a gentleman, a Representative upon the other side, he stated to me, in justification of the grandfather clause, that they had to do something in his State; that to allow the negro vote to rule meant financial ruin and that to continue to count it out was producing moral ruin; therefore they had to do something of this kind. There is perhaps much of truth in this statement. I do not believe the end justifies the means, and I have always been unalterably opposed to carrying elections by fraud, bribery, violence, intimidation, tissue ballots, ballot-box stuffing, and equally so to any attempt to override the will of the voters by false returns, and I believe that whenever an attempt to count out is brought before this Congress it should and will put its seal of condemnation upon it; and I also am confident will adhere to and reaffirm this cardinal principle of Republican faith by granting to the contestant a seat in this House, to which he is both legally and equitably entitled.

Mr. FOX. Mr. Speaker, I will ask how much time was consumed by the gentleman?

The SPEAKER pro tempore. Fifty-seven minutes.

Mr. MANN. Mr. Speaker, can you tell us how much time remains on both sides?

The SPEAKER pro tempore. The gentleman from Illinois has one hundred and sixty-three minutes and the gentleman from Mississippi has one hundred and ninety minutes.

Mr. FOX. Mr. Speaker, if I were a playwright, I would not want any better material for a first-class farce than the trial of a contested-election case in this House. The attention of the country ought to be called to this condition of things. It is not the fault of gentlemen upon the other side, and it is not the fault of gentlemen on this side. It is the fault of the system. This case, Mr. Speaker, has been ably and well presented by gentlemen on the committee, both for the contestant and for the contestee, and yet a large majority of this House know nothing whatever about the case, and after all this discussion will be able to qualify as jurors by declaring that they never heard the case discussed.

There has not been a quorum present in this House since this case was taken up. That is not all. That all really results from the fact that no arguments and no presentation of any question of facts that ought to govern this case will probably control a single member of this House, on either side; and therefore they will not be here until the close of this debate, and then they will come in and cast their votes, following the leadership of the committee on their respective sides.

Mr. Speaker, this is an important matter; we sit here not as a legislative body, but as a court; not as a quasi court, but a court of final and exclusive jurisdiction, involving not merely a right to property; but, as the gentleman from Maine [Mr. POWERS] has just said, the right of a Congressional district to be represented in this House by the man of their choice. The absence of members of this House results from the fact that they come here at the close of the argument and cast their votes in a purely partisan way. My friend from Illinois [Mr. MANN] says that the committee has tried to be impartial and nonpartisan. I have no doubt but that every gentleman has been perfectly conscientious, but if you will show me a member of Congress that is nonpartisan, I will show you a man with a patch of hair in the palm of his hand. There is no question that comes before this House in which there is more partisanship exercised than in the trial of contested-election cases.

Mr. Speaker, the system ought to be changed. It is true the Constitution of the United States makes this House the judge of the qualifications and election of its own members, and it would not be right to take it away and vest it in some other jurisdiction; but the proceedings in this House could be so regulated by law as to make it less partisan and compel the members of this court, because they are members of a court, to be here when the case is presented. I will say in this connection that my friend the gentleman from Iowa, my colleague on the committee, has some splendid suggestions as to the methods of procedure in this House, so as to insure a nonpartisan result, at least, in a degree, and I hope he will do himself the honor to present those suggestions some time to this House in the shape of proposed legislation.

Now, Mr. Speaker, this is a case, as has been stated, which involves questions of grave importance. It involves not only the question, as the gentleman from Maine has said, of the right of a district to be represented by the man of their choice, but it involves the right of Kentucky to regulate in its own way its own elections, and to prescribe the manner in which the voters in Kentucky may exercise their right to vote.

Mr. Speaker, the constitutional right of a State to fix the qualifications of its own electors is not disputed, but has just been conceded by the gentleman from Maine. Following that right, a right every State has exercised, the right that States are more jealous of than any other right, is the right to regulate the manner in which elections shall be held, so far as State elections are concerned, absolutely without any interference on the part of Congress, and they have the exclusive right to regulate the manner of holding even Federal elections, subject only to the right of Congress, given by the Constitution, to modify the regulations made by the State.

Mr. Speaker, in the formation of the Constitution the States were very jealous of this right. All but two or three of the States of the Union at the formation of the Constitution of the United States had constitutions of their own in which they regulated the right of suffrage in their respective States. They were not satisfied in framing the Constitution to leave this right to any implication or construction; they were not satisfied to leave it to the general clause of the Constitution which reserves to the States all the rights and powers not expressly delegated by Congress. They in terms expressly reserved to themselves the right to fix the qualifications of their own voters. Not only that, they reserved the right to fix the manner in which the voter should exercise his

right and cast his ballot in all elections absolutely, save only in Federal elections, and in Federal elections they have the right to fix the regulations, subject only to any change that may be made by the Congress of the United States.

Now, Mr. Speaker, the issue in this case is whether the regulations enacted by the legislature of the State of Kentucky and interpreted by the supreme court of Kentucky shall be respected by this House as the Constitution of the United States declares you should do. They have made these regulations, and although competent for Congress to do so, no modifications of those regulations have ever been made by this Congress. My friend from Maine has said that any law regulating the manner of voting is directory. He might as well have asserted that the Constitution of the United States is directory, because the Constitution of the United States says that the legislature shall have the right to fix the times and places and manner of regulating its own elections absolutely in all cases except Federal elections, and that is subject only to such modifications as Congress may prescribe. You might as well get up here and argue—and it is good Republican doctrine—that the Constitution is directory, for they always cut it out and brush it away whenever it obstructs their way.

Mr. SMITH of Iowa. May I interrupt the gentleman?

Mr. FOX. Certainly.

Mr. SMITH of Iowa. I would like to ask as to which of these terms such a regulation as this comes under. The Constitution says that the States may, in the absence of provision by Congress, fix the time and the place and the manner of holding elections. Now, I assume you claim that this statute of Kentucky, as construed in the case of Anderson *v.* Likens, has reference to the manner of holding elections, not to the time or place.

Mr. FOX. Well?

Mr. SMITH of Iowa. Now, I ask the gentleman this question: After you have regulated the time of the election, and the place of the election, and the manner of the election, and the election being over, how does a law fixing the manner in which the ballots shall be identified in this tribunal come within the provisions of the Federal Constitution to which the gentleman has referred?

Mr. FOX. The Federal Constitution refers to the whole machinery of conducting elections in the States. It must follow that Congress can not interfere in such things unless the right of republican government is denied. The provision in regard to the manner of holding elections refers to the whole election system that is laid down by the States, and the issue in this case is whether this Congress is going to respect what the legislature of Kentucky has done.

Mr. MANN. Will the gentleman allow me a question?

Mr. FOX. Yes, sir; in a moment. Mr. Speaker, I send to the Clerk's desk what I would like to have read. Meanwhile I will yield to the gentleman now.

Mr. MANN. While I do not concede that the discussion in this respect is anything but an academic discussion, because it does not affect the case——

Mr. FOX. Then let us come to the case.

Mr. MANN. I will ask my learned friend, in his view of this question, what would be the result in a case like this: Suppose the legislature——

Mr. FOX. Mr. Speaker, my time is very limited, and I must decline to discuss other cases.

Mr. MANN. Then the gentleman will not answer the question?

Mr. FOX. Not with reference to another case. I will answer a question with reference to the case at bar, as we may call it.

Mr. MANN. My question has reference to your contention in the case "at bar," which of course I do not consider a serious one, though I suppose the gentleman means it in that way.

Mr. FOX. The gentleman knows that my time is very limited. I do not object to a question concerning the merits of this case; but I do not want him to take up my time in discussing something which is outside of the case.

Mr. MANN. I am sure I do not wish to take up the gentleman's time in discussing anything outside of the case.

Mr. FOX. Let the Clerk read what I have sent up. It is the decision of the Committee on Elections of this House in the case of Wright *v.* Fuller.

The Clerk read as follows:

Having disposed of this preliminary point, the committee proceeded to the examination of the law and testimony involved in this case.

In discharging the last duty the committee considered that although the House of Representatives, by virtue of the fifth section of the first article of the Federal Constitution, are made judges of the election returns and qualifications of its members, yet this power is not plenary, but is subordinate to the second and fourth sections of the same article, the first of these sections providing that the electors of the members shall have the qualifications of the most numerous branch of the State legislature, the fourth section empowering and authorizing the legislature in each State to prescribe the places, times, and manner of holding elections for Senators and Representatives, such regulations being subject to alterations made by Congress.

By force of these provisions the House is compelled, when adjudicating in any matter affecting the election returns or qualifications of its members, to make the law of the respective States from which such members may be returned its rule of action.

Mr. FOX. The gentleman from Iowa in his argument invokes the provision of the Constitution making the House the judge of the elections, returns, and qualifications of its members, as giving the House full authority to do what it pleases, and to adopt whatever rules of law it may choose, unfettered by the enactment of the legislature of the State of Kentucky or by the decisions of its supreme court construing those enactments. While my distinguished friend from Illinois, with all his ability and shrewdness as a lawyer, is compelled to acknowledge the correctness of our position as to the rights of the State under the Constitution, and is compelled to acknowledge that the decisions of the supreme court of Kentucky and its laws must be respected here, he undertakes to explain away those decisions.

The gentleman from Iowa, with his usual frankness, recognizing the force of those statutes and those decisions as being against the contestant in this case, boldly says that we can seat the contestant here and decide the case in his favor in defiance of the laws of Kentucky and the decisions of the supreme court. That is the issue here—whether you will do this or not—whether you will defy the laws of Kentucky or respect them. Mr. Speaker, the Supreme Court of the United States has decided in half a dozen cases that where nothing even but the right of property is involved, that tribunal, the highest in the land, is bound by the statutes of the respective States and by the construction which the courts of the States have put upon those statutes.

I have not much respect for precedents so far as Congress is concerned, because this House has decided contested election cases in every way. Frankly, I will state you can find precedents for any conceivable position that any man may take in reference to any contested election case. But the Supreme Court of the United States, the highest tribunal of this country, has always recognized the force of a State statute or of the decision of a State court construing such a statute; and in no single instance since the formation of our Government has the Supreme Court of the United States ever trampled upon a State statute or a decision of a supreme court of a State construing such a statute, unless on the ground of unconstitutionality. The Supreme Court of the United States has never ignored such a statute or decision. Yet the doctrine is proclaimed here boldly—and it is the only consistent one in this case—that there is nothing in the law of Kentucky, nothing in the decisions of the supreme court of Kentucky, that we can not arbitrarily defy and trample upon simply because the Constitution of the United States gives us the power to judge of the qualifications and elections of our own members.

Mr. MANN. Will the gentleman allow me a question?

Mr. FOX. Yes, sir.

Mr. MANN. The supreme court of Illinois decided, in reference to bank checks, that under the statute of Illinois the law was one way; the supreme court of Indiana, deciding exactly the same question, held that under the statute of Indiana the law was directly opposite. And the question was fairly raised before the Supreme Court of the United States as to whether it would follow the law of Illinois in Illinois and the law of Indiana in Indiana, and the Supreme Court of the United States declined to do that and said that the Supreme Court would not follow one rule of evidence on one side of the State line and another rule of evidence on the other side of the State line, and it laid down the law itself. Will the gentleman explain to us about that?

Mr. FOX. That is not the case as presented here. That is the case that the gentleman from Iowa [Mr. SMITH] undertakes to make out of this, that it is simply a rule of evidence: that we are not bound by any rule of evidence, he says, that the legislature of Kentucky may make in contravention of common law. But it is not a rule of evidence. It is a regulation of the election system in the State of Kentucky.

Mr. SMITH of Iowa. Will the gentleman permit me to make myself plain there?

Mr. FOX. I must decline to be interrupted in that way.

Mr. SMITH of Iowa. Very well.

Mr. FOX. I will tell you what I will do. If you will let me proceed with this argument I will submit to any questions after I get through.

Mr. SMITH of Iowa. I do not want to interrupt you if it is not satisfactory to you.

Mr. FOX. I do not want to be discourteous, but that would suit me better. That is the position of the gentleman from Iowa, that this is simply a rule of evidence. It is not a question of evidence. It is a peremptory statute requiring certain evidence to be sent up with the returns. That is all. It is a regulation of the election system in Kentucky providing as to how the contested ballots shall reach the canvassing board. Now, let us come to it practically, Mr. Speaker. If gentlemen have the CONGRESSIONAL RECORD and the minority report of this committee before them, I want to call their attention to certain provisions of the Kentucky statute that are involved in this case.

You will find the blank form of general returns in the report on

page 35, and you will find it in the speech of the gentleman from Texas [Mr. BURGESS] on page 3379 of the RECORD. That is the blank form of the returns prescribed by the statutes that must accompany the valid ballots not questioned. Now, will the gentleman say that the statute is directory? Will the gentleman say that, although the legislature has provided that a return shall be made by the returning officers to the canvassing board in a form prescribed by statute, that statute is directory? Will you say that the canvassing board could have considered one single one of these ballots if there had been no return in the case at all?

Mr. TAYLER of Ohio. Will the gentleman answer a question there for information?

Mr. FOX. Yes.

Mr. TAYLER of Ohio. This is a question of identification of certain ballots which it is claimed by one side ought to have been counted and that were not counted. Now, I want to ask whether or not the gentleman thinks that this House has a right to count such ballots, coming to the House without any actual question of their identity, even though some statutory provision intended to fix their identity was not complied with?

Mr. FOX. Well, they must be identified. We must know where they are.

Mr. TAYLER of Ohio. I know, but suppose they are, as a matter of fact, absolutely and unquestionably identified, but that some statutory provision respecting the method of identification was not complied with. Do you think that we have not a right to count ballots thus actually identified?

Mr. FOX. No such question arises in this case. But, proceeding with my argument, no gentleman, even of the committee, will say that that provision of the statute, section 1483, prescribing the general return, is directory, but that it is mandatory; otherwise you would have no ballots to consider, you would not know where they were from, for whom they were cast, or anything of the kind. Now, then, I say there is another return prescribed by the Kentucky statute which is mandatory in its terms, that must accompany the questioned ballot, and if the gentlemen who have the report on their desks look at the concluding clause of section 1482——

Mr. MANN. Will the gentleman pardon me right there? I do not wish to disturb the gentleman in his argument.

Mr. FOX. I can not make an argument when it is all chopped up in that way. I am not smart enough to do that, I frankly confess.

Mr. MANN. I know the gentleman is smart enough to make an argument if anybody else can, from personal contact with him, but I appreciate the difficulties he complains of.

Mr. FOX. I want to make my argument in some connected way and, as I said a moment ago, if you will wait until I finish with my argument, I will be glad to yield to any questions. Now under the system in Kentucky, which is declared to be one of the best in this country, conceded to be, and, by the way, I want to say that all this smoke about the Goebel law and the obnoxious provisions of the Goebel law, if there are any, are not involved in this case. These two sections of the statute here are the only sections of the Kentucky statute that are really involved in this case, providing for the returns, and they were in the old law and have been in the Kentucky law for twenty-five years. So that there is nothing in the world in this discussion about the Goebel law excepting a disposition to hide the merits of this case by prejudicing the minds of those who regard the Goebel law as obnoxious.

Mr. Speaker, under this system whenever a ballot was questioned, whenever a ballot was challenged, whenever the right of a voter to cast a vote was challenged, whenever in counting a vote the validity of the ballots was challenged, under the requirements of the law the managers of the election put it in a sealed envelope. All of the questioned ballots were put in a sealed envelope, and they were required to be sent up to the canvassing board with this certificate. Mind you, whenever a ballot is questioned, whether it is counted or not, it must be treated in this way. Sometimes a ballot is challenged and after discussion it is counted. At other times its validity is questioned and it is rejected; but all questioned ballots, whether counted or not, are required to be sent up in a sealed envelope with this certificate accompanying them.

Provided, That if there are any ballots cast and counted or left uncounted, concerning the legality or regularity of which there is any doubt or difference of opinion in the minds of the judges of election, said ballots shall not be destroyed, but sealed up and returned to the clerk of the county court with the returns of the election for such judicial or other investigation as may be necessary, with a true statement as to whether they have or have not been counted, and if counted, what part and for whom.

The supreme court of Kentucky has decided several times that this provision is mandatory. They have decided that questioned ballots unaccompanied by such a "true statement" as is required there can not be counted.

In the case of Anderson *v.* Likens a Republican contested the seat of a Democrat, and a Democratic court seated the Republican contestant over the protest of the Democratic candidate, after construing this law as mandatory and determining that the questioned ballots in that case could not be counted because they were unaccompanied by any certificate identifying them in any way.

The gentleman from Illinois [Mr. MANN] cites the case of Booe *v.* Kenner, and relies upon that as modifying the case of Anderson *v.* Likens. I want to call the attention of the lawyers in this House to the case of Booe against Kenner, and I hope you will read it, if you have any doubt about it, before the vote is taken in this case to-morrow.

That case was decided by the supreme court of Kentucky on a question of jurisdiction simply. It was held that a mandamus proceeding would not lie in that case, and therefore the court did not have jurisdiction. Whatever else it said was mere dictum; but even in the dictum, which the gentleman from Illinois [Mr. MANN] relies on, there is nothing that even in the slightest degree modifies the doctrine laid down in the supreme court in the case of Anderson *v.* Likens. It does say—and I take to be true the statement of the gentleman from Illinois, who has the original record, that in that case the questioned ballots were not accompanied by the true statement—the supreme court does say in this dictum that on the merits of the ballots the lower court decided the case aright and that the ballots on their merits should have been counted for the party for whom they were counted, and that is all. Looking to the ballots themselves, without any question as to whether they were properly there or not, they were evidently counted in favor of those candidates for whom they were intended to be cast, and on the merits of the ballots they should have been counted as they were counted; but the court never once decided that the true statement was unnecessary.

Mr. MANN. The gentleman does not want me to correct him. The opinion of the court said:

In answer to this we will add that we have carefully examined the record and are satisfied that the decision of the county canvassing board in giving Dudley the certificate of election was right.

Mr. FOX. Of course.

Mr. MANN. And that depended upon those ballots, without the statement which you contended was necessary.

Mr. FOX. I hope every lawyer in this House will get that book and read it, or as many of you as can. That is all it does mean, looking to the face of the ballots.

Mr. MANN. It did not refer to the face of the ballots.

Mr. FOX. Without raising any question as to how they got there, that they were properly counted for those for whom they were intended to be cast.

Mr. GILBERT. There was no issue made on that question.

Mr. FOX. There was no issue made, and there is not a lawyer in this House who has knowledge enough to qualify him to be a justice of the peace who would not say, and there is not a court in the land that would not say, that that statement of the court was pure dictum, unnecessary to be said, and that that question was not involved in the case, and the question was not raised by the facts, but looking to the merits of the ballots themselves.

Mr. MANN. I do not wish the gentleman to be incorrect. They went right into the question that was raised by the court of appeals—the identical question. It was argued before them, and they passed upon it in the way that I have read.

Mr. FOX. The question as to whether a true statement was necessary was made in this case. The court does not refer to it. There is no reference in the case before the court. It was a case that was decided on the question of jurisdiction.

Mr. MANN. For every possible effect the question was raised.

Mr. FOX. I will leave it to the candor of every lawyer in this House, and I say fearlessly there is not a court on the face of the earth that would be governed or pay the slightest attention to a dictum of that kind when it was not at all necessary to reach the conclusion reached by the court. They do not even refer to the Anderson and Likens case, or the case of Banks against Sargent, following that case, and they stand as law to-day. And on the merits of the case, as was so ably shown by my colleague from Texas on Saturday, considering these ballots as identified, considering them here—which I do not concede, only for the sake of argument—considering these ballots as being practically identified as being questioned ballots, you can not tell to save your life, without this true statement, whether they were counted or rejected.

Now, let me show you. I will take the precinct of Kisters Mill, precinct No. 25, found on page 22 of the majority report. There is a general return, and it is the contention of the gentleman from Illinois that the general return sufficiently identifies these questioned ballots, without any particular statement as to its having been rejected. I say that this return might identify these ballots as having been questioned, but does not identify them as being counted or uncounted. Now, those of you gentlemen who have the report look to page 22.

Number of ballots counted as valid	257
Number of ballots questioned or rejected	112

Mr. WILLIAMS of Mississippi. "Questioned or rejected."

Mr. FOX (continuing):

Number of ballots marked "spoiled"	3
Whole number of ballots cast	369
Number of ballots not used and destroyed after the polls closed	64
Total number of ballots in this book	436

Then below it shows the vote for Congress that was counted:

FOR CONGRESS.

John S. Rhea received	86 votes
J. McKenzie Moss received	163 votes

Now, Mr. Speaker, according to that report there were 112 ballots in Kister Mill precinct, No. 25, that were questioned, that were challenged by somebody. There is not one single syllable in the report which shows how many were counted. It does not determine how many were actually rejected. Remember, as I have told you, all the ballots that are questioned, whether counted or not, are sent up in this envelope.

Mr. WILLIAMS of Mississippi. It does not show that some were not counted.

Mr. FOX. It does show that some of them may have been counted and some of them may not have been counted; and hence the necessity with these ballots of this certificate, this true statement, identifying these ballots, and stating how many were counted and how many were not counted, and for whom. Now, I think I can make it perfectly plain to this House, to any man in this House, who wants to understand the question, that in the conclusion reached by the majority of this committee a ballot may have been counted twice for Mr. Moss. Now, let us look at it. It takes four items to make up the sum total of the ballots that were sent down there in the book. One item is the number of ballots counted as valid, another item is the questioned or rejected ballots, of which there were 112, another item is the number of ballots marked spoiled, the other item is the number of ballots not used and destroyed after the polls closed, making a total of 436.

Now, that shows the votes for Congress—that John S. Rhea received 86 votes, James McKenzie Moss 163 votes. How do you know, as this was a general election, at which there were a great many candidates, from governor down to constable; how do you know that some of these votes counted for J. McKenzie Moss were not questioned and still counted? I call your attention to the fact that the whole number of ballots cast at this box was 369. There were 112 votes questioned. The whole number for Congress was 249. There were 10 votes cast for somebody that did not express any choice for Congressman at all. There were that many voters at that box that did not vote for anybody for Congress.

Mr. BURGESS. That is, conceding the whole 112 were rejected?

Mr. FOX. That is, conceding the whole 112 votes were rejected. There were 10 votes not cast for anybody for Congress. That is evidenced by a mere glance at these figures. Now, then, suppose there were 10 others of the questioned ballots that were not voted for anybody except Mr. Moss and were counted. It is perfectly evident that this return would be the same, would it not? There were 10 who did not vote for Congressman at all. There were 10 votes cast that did not express any choice for Congress.

Mr. BURGESS. Will the gentleman yield for a suggestion?

Mr. FOX. Yes.

Mr. BURGESS. I want to suppose a case under the gentleman's idea, and it is this: Suppose 10 of these ballots counted as ballots did not vote for Moss or Rhea; suppose there were 10 more who voted for Moss that were counted. Would not the return be precisely the same, and by adding those 10 you would count 10 votes twice for Moss if you follow the majority report?

Mr. FOX. That is exactly what I say. If 10 ballots were cast for Moss and you do not know whether they were cast or whether they were counted without the true statement; if 10 votes or 10 questioned ballots have been cast for Moss and counted for Moss, in the total the returns would have been precisely like they are, conceding that there were 10 votes not cast for anybody. Suppose there were 10 votes not cast for anybody for Congress and 10 votes among those questioned were cast for Moss. Then, under your pure assumption that all of the 112 ballots were rejected, and you count them all, you have evidently counted 10 votes twice for Moss.

Mr. LACEY. Where does the gentleman get the basis for his statement that there were 10 votes not cast for anybody?

Mr. FOX. It is an illustration I am making. No man on the face of the earth, I will say to the gentleman from Iowa, can tell, without the true statement required by statute, whether the votes were ever counted or not. They are only identified by the returns as questioned ballots; not identified as rejected ballots.

Mr. WILLIAMS of Mississippi. I am afraid the gentleman from Mississippi does not appreciate or understand the question of the gentleman from Iowa. The question of the gentleman from Iowa is, Where do you get the 10 votes that were not cast for a candidate for Congress? The returns show it absolutely, because they show that there were 10 votes more cast.

Mr. LACEY. There were 104 votes short, and that would only make 8.

Mr. FOX. There were 369 votes cast.

Mr. LACEY. Three hundred and sixty-three.

Mr. FOX. Three hundred and sixty-nine votes cast.

Mr. LACEY. There were 3 votes spoiled, and that leaves 366.

Mr. FOX. Well, my illustration holds good.

Mr. LACEY. I thought the gentleman was speaking of facts shown in the record outside of this report.

Mr. FOX. Now, Mr. Speaker, that's all there is in this case. It is utterly impossible to identify these ballots in any other way than by the true statement required by the statute. I know there are 112 ballots that are questioned at this precinct, but we do not know that there were 112 rejected, and they are not identified in the record even as questioned ballots. There is nothing in the record to identify them.

You ask where the ballots are that are questioned. Gentlemen show you a lot of ballots dumped into the record without any statement accompanying them showing they were rejected. It is said that in a number of precincts here these ballots were sent up in sealed envelopes without a single mark on the envelopes to identify them in any way as having been questioned. And when any lawyer seeks evidence—seeks from the record competent evidence—to determine how many ballots were rejected, he will fail to find anything in the record whatever identifying these ballots. Why, some of them are not even marked as exhibits by the commissioner himself.

Mr. PALMER. May I ask the gentleman a question?

Mr. FOX. Certainly.

Mr. PALMER. Do you have any doubt that the ballots were actually cast in the election?

Mr. FOX. I know nothing on the face of the earth about it. I will say this to the gentleman: That Mr. Rhea comes here with a certificate of election and there is no charge of fraud here whatever, and to overcome the prima facie case that he has under the law by virtue of his certificate you must make the proof that certain ballots were illegally rejected and ought to have been counted for Mr. Moss.

Mr. PALMER. What is the gentleman's idea of the reason why the election officers rejected these ballots?

Mr. FOX. I do not know whether they were rejected or not. If you sit down, as a lawyer, to find out whether they were rejected or not, to save your life you can not ascertain.

Mr. PALMER. That is because, you say, the election officers did not put the certificate on the back of the ballots that went to the county clerk to distinguish them?

Mr. FOX. They did not put anything on the back to identify them.

Mr. PALMER. What reason does the gentleman suppose the election officers had for returning the ballots to the clerk's office if they were either questioned or rejected ballots?

Mr. FOX. I do not know what the reason was; but I will say to the gentleman that, as shown here to-day, the majority of those election officers were Republicans.

Mr. PALMER. I do not suppose that makes much difference. What we are trying to do, or what I am trying to do as one of the jurors in this case, is to find out what is the truth; and it seems to me reasonably clear that these ballots were used in that election, and when these election officers returned them to the office of the clerk they returned them either as questioned or as rejected ballots.

Mr. FOX. They ought to have done so; the law required that they should do so.

Mr. PALMER. What earthly reason had they for returning them if they were not in one or the other class?

Mr. FOX. I can not tell.

Mr. WILLIAMS of Mississippi. They might have had as their reason that they were trying to unseat the contestee.

Mr. BURGESS. Will the gentleman from Pennsylvania [Mr. PALMER] allow me to make a suggestion? Assuming that these 112 ballots were in fact returned by the election officers, and that the returns showed that those 112 ballots were either questioned or rejected, can the gentleman tell me how many were questioned, and does he not admit that when a ballot is returned as questioned it means that it has been counted, for otherwise it would be a rejected ballot?

Now, then, the return speaks of ballots "questioned or rejected." It does not say how many or which they were, or whether they were counted, or for whom. Now, how can the gentleman say they were not counted for Mr. Moss and that the committee in counting them now are not counting them twice for Mr. Moss?

Mr. PALMER. I do not find that any of these ballots were voted for Mr. Rhea. I find they were all voted for Mr. Moss.

Mr. BURGESS. May they not have been counted for Mr. Moss? May they not have been "questioned" ballots alone?

Mr. FOX. The gentleman from Pennsylvania [Mr. PALMER] is mistaken in the assumption he makes.

Mr. BURGESS. I ask how does the gentleman from Pennsylvania reach the conclusion that all these ballots were rejected ballots when the return says "questioned or rejected;" and how can he tell how many were questioned? A questioned ballot would have been counted; that is the point exactly.

Mr. PALMER. There were so many ballots returned as having been cast, and so many as either "questioned or rejected."

Mr. BURGESS. The ballots returned as counted included only the ballots that were neither rejected nor questioned.

Mr. PALMER. I understand——

Mr. BURGESS. So that those returned as "questioned or rejected" may have been all "questioned," and may have all been counted for Mr. Moss; there is no proof to the contrary. Yet in the face of a return of that kind you ask to have those ballots counted again, and added to the vote of Mr. Moss.

Mr. FOX. Now, Mr. Speaker, in answer to the suggestion of the gentleman from Pennsylvania I wish to say that he is mistaken in assuming that all the "questioned" votes were cast for Mr. Moss. Many were cast for Mr. Rhea. That is the contention of the counsel for the contestant; but it is impossible to tell from any return that has been made for whom they were cast. You can, of course, look at the face of the ballot and determine, so far as that evidence goes, whether it was cast for Mr. Rhea or Mr. Moss.

But where did that ballot come from?

What kind of a ballot is it? Is it a "questioned" ballot? If so, where is the evidence, the record, that points to it as a "questioned" ballot? I say to the gentleman in all good faith there is nothing whatever in the record to point to these ballots as having ever been even handled at the election—nothing whatever. There is only one case—the case of the Electric Light precinct—in which that fact appeared. In that case there is a memorandum on the sealed envelope saying that none of these ballots were counted. But in no other instance is there any sort of evidence in the record showing where the ballots came from, whether they were questioned or not, and if so, whether they were counted or not, and, if counted, for whom they were counted.

Now, then, coming to another question, I say, waiving everything that I have said as to the law of Kentucky—waiving any arguments that I have made as to whether this House is bound by the statutes of Kentucky—waiving the right of the State of Kentucky, under the Constitution, to regulate the manner of holding its elections—I say, coming to the ballots themselves, looking at the face of the ballots, conceding their validity, conceding their identification, there are more than 21 of these ballots which the committee counts for J. McKenzie Moss but in regard to which no man in this House can tell for whom they were cast. There are no three men in this House who can come up to my desk and, looking at some of these ballots which were rejected, tell me for whom they were intended to be cast.

Now, I invite an inspection of these ballots by any gentleman, and I would be glad to have it done. Look at that ballot on page 1331, and if there are any two men in this House that will agree as to whether that ballot ought to be counted without knowing for whom it is cast, then you have got better eyes than I. Under their system you see there is a blanket ballot, arranged in parallel columns.

There are one, two, three, four, five, six tickets here, and they are all arranged together in parallel columns, six different parties, each having a device at the head of it to distinguish the party ticket from the others. It is a law common to many States. Now, then, under the system in Kentucky the voter takes a stencil when he goes into the booth and stamps in the circle at the head of the ticket the ticket of his choice. He does not have to make any mark on it. A stamp in that circle there is a vote for every man on this ticket, if he does not make any of the exceptions——

Mr. PALMER. You mean on the column?

Mr. FOX. Yes. Now, then, we do not disagree as to the facts, except on the points that I am contending for now. It is stated by counsel for contestant, it is conceded by myself and my colleagues constituting the minority of this committee, that these ballots, as a rule, were blotted in folding. You see that when you fold this ballot down in that way, these two circles coincide, and there is no doubt of that; I concede that; but in folding the ballot it makes the impression in another circle, do you not see?

Mr. LACEY. Ought not that to be thrown out?

Mr. FOX. I thank you for the question. It ought to be thrown out if you can not tell for whom the voter intended the vote. It ought to be counted if you can ascertain honestly and fairly and beyond a doubt—that is, free from any reasonable doubt—which ballot he intended to cast.

Mr. LACEY. Which is the original and which is the impression received from the original.

Mr. FOX. Yes: that is the point I make. Let me make another point here. Mr. Rhea comes here with a certificate of election. These contested ballots come up from precincts controlled by Republican managers of election.

Mr. LESSLER. You invited us here to examine the ballot.

Mr. FOX. Do not break into my argument and I will show it to you. These ballots under the certificates of election give Mr. Rhea a prima facie case. They were rejected by Republican officers of election and ought to be rejected here in a case that is not free from doubt, and I will leave it to the gentleman from Iowa, who himself has been a distinguished member of the Committee on Elections, if I have not stated the correct principle of law. I leave it to any honest man in this House——

Mr. LACEY. The difficulty about this particular ballot would not be the question of a distinguishing mark. It is merely inability to identify the intention of the voter.

Mr. FOX. Yes.

Mr. LESSLER. Have you a provision in your law that it was the duty of the election officers to come as near as they can to ascertaining that?

Mr. FOX. I concede that to be the law.

Mr. LESSLER. I asked you that.

Mr. FOX. I concede that to be the law of this case here now.

Mr. LESSLER. Is not the question as to that ballot, if in a man's common judgment that is not the reverse?

Mr. FOX. Well, which is the reverse?

Mr. LESSLER. I would say this one.

Mr. FOX. You would say it because you have seen the Republican ticket there underneath it.

Mr. LESSLER. You are making an assumption and you ask a question of some sort——

Mr. FOX. I do not doubt your sincerity, sir, but I say there is not a man in this House that is free from that political bias.

Mr. LESSLER. If you come and ask me a question and you do not allow me to give you a reason, then there is no reason for bringing us over here. The only point as to that particular ballot was that the impression there is stronger than the impression here.

Mr. FOX. You think so? The Republican managers of election did not think so. It is just exactly what I said, that no two men will agree about it, and you and the gentleman from Mississippi do not agree.

Mr. LESSLER. I never saw one of these before, and did not know what they were when you asked the question.

Mr. FOX. Now, just to show you how men may differ, let me show you something here. Here is the contention of the counsel for Mr. J. McKenzie Moss with reference to West Door precinct, No. 9.

Listen to this.

The SPEAKER. The gentleman has now consumed one hour.

Mr. FOX. I thank the Speaker for the information.

On page 22 of the contestant's brief, which makes the statement with reference to West Door precinct, No. 9, you will find that there were 119 votes not counted. He states that there were 119 votes rejected at that precinct. Now listen. Counsel for contestant in this brief states:

> Some were rejected because they were blurred and blotted by folding before the ink was dry. It is difficult in some of them to ascertain the voters' intention on account of these blots, but the marks are plain enough on 23 ballots to show that the voters marked them as for the entire Republican ticket.

They only contend that 26 of the rejected ballots from West Door precinct, No. 9, should have been counted for Mr. Moss. Yet the majority of this committee count 53 of those rejected ballots for Mr. Moss, when it was never contended by counsel for the contestant that more than 26 ought to be counted. They concede the fact that the others are so doubtful that it is impossible to determine the intention of the voter.

Mr. HENRY of Mississippi. Without counting the 56, how would the case stand?

Mr. FOX. That would elect Mr. Rhea of itself.

Mr. LESSLER. In all of these tickets which are marked and countermarked—in other words, where there are two marks—they are all in the same places relatively, the same two columns, are they not?

Mr. FOX. Not all of them.

Mr. LESSLER. They are always in the Republican and Socialistic Labor columns.

Mr. FOX. Some of them are in the Democratic.

Mr. LESSLER. The principle I want to get at is this: In determining the class of ballots where the relative marks are the same in both columns there are 26 of those that you have agreed should be counted in the Republican column.

Mr. FOX. No, sir.

Mr. MANN. Mr. Speaker, I should like to have this conversation loud enough so that it can be heard across the aisle.

The SPEAKER. The House will please be in order.

Mr. LESSLER. Is it not safe to infer from the ballots that you consider to be without any doubt as to the intention of the voter that those which are in doubt, but where the marks appear in the same columns, belong to the same class, and that the 53 votes are rightfully counted for the ticket having the heavier impression, which is the Republican ticket?

Mr. FOX. Why, I will say to my friend that, in my judgment, the proper way would be to inspect the face of each ballot. If you determine in the first place that these are identified as the questioned or rejected ballots, then it was the duty of this committee, and would be the duty of this House, so far as possible, to inspect them. If you determine that they are sufficiently identified, it would be your duty to inspect each ballot, and if you can ascertain from an inspection of the face of that ballot the honest intention of the voter as to which one of these tickets he intended to vote for, then it ought to be counted in that way; but if it is impossible to tell which is the original impression and which impression was made by folding the ballot, then for whom can you count it?

Mr. LESSLER. In a scrutiny of these ballots, is there any doubt in your mind, taking them as a class, knowing the relative positions of the first and second impression, that those ballots were cast for J. McKenzie Moss?

Mr. FOX. Why, certainly, I do not believe a word of it. I do not believe anything that the testimony does not show. As a juror in this case, or, if you please, as a judge, it is my sworn duty not to arrive at any conclusion that is not sustained by proper and competent evidence. That is all I say. No man anxious to arrive at the truth, whether he be a lawyer or not, is going to assume a fact that is not proven by the record, and no lawyer will ever state a thing to be a fact that is not proven by competent evidence.

Hence I say that if ballots like this, and there are a great many of them, if you can not say whether the stamp was made there [indicating], and this blur is made by folding, or whether the stamp was made here [indicating], and this is the blur that is here [indicating], then you can not count the ballot, because you do not know the intention of the voter.

Mr. SMITH of Arizona. Do you know whether this ballot [indicating] was counted or not?

Mr. FOX. I know it was counted for Mr. Moss; and I say—and, gentlemen, do not take my word for it, because the rest of the ballots are here—I say there are over 21, which is the majority that they give to Mr. Moss, and which they counted for Mr. Moss, just as uncertain as that.

Mr. SMITH of Arizona. Was it counted by the election officers?

Mr. FOX. It was not counted for anybody by the Republican managers of the election. The returns were signed, and they are all agreed about that.

Mr. LESSLER. Have you such a provision in the law as we have in the State of New York, that the vote of the man who voted this ballot [indicating] may be rejected for all the candidates on the two tickets for the reason that you can not determine for whom he voted? But here he voted for J. McKenzie Moss for Congress, and nobody else.

Mr. FOX. That is a good argument.

Mr. LESSLER. Is there anything in your law by which you would reject everything on that ticket or count a portion of it where a man cast his vote for one name on that ticket and for no other man? Say, for instance, that it was for Congressman, or whatever these other things are, would you throw it out for all when it shows on its face that he voted for Moss?

Mr. FOX. Your argument is a perfectly sound one, but your premises are just as far wrong as they can possibly be. You assume that the voter marked this ticket [indicating]. There is nothing to show that. It is a mere assumption. I say, if he marked this ticket [indicating] and intended to vote this ticket, and this blur [indicating] is a mere blur made by folding, then he intended to vote for nobody for Congress, and it ought not to be counted for anybody. Now, let me illustrate. Gentlemen who are entirely conscientious arrive at the truth very differently in this proposition. My colleague, the gentleman from Illinois [Mr. MANN], and myself were appointed a subcommittee to examine these questioned ballots. He made up a typewritten report—I have it here—showing his conclusions as to which of these ballots ought to be counted and which ought not to be counted. As to the uncertainty, he said that there were some of them so absolutely uncertain that they ought not to be counted for anybody. In his report, dictated by him to his stenographer, he states that there were certain votes that ought not to be counted for anybody, because it was impossible to tell which was the original impression and which was the blot made by the folding.

The gentleman from Maine has brought in a totally different count, and he contends that these votes should be counted for Moss, and he insists on them being counted, while the gentleman from Illinois [Mr. MANN], with all of his nonpartisanship, states here that it is impossible to count them for anybody. Now, you see how gentlemen will differ. The gentleman from Illinois [Mr. MANN], who makes the majority report in this case, makes the majority for Moss 21 votes, after counting all the ballots that he is in doubt about. The other gentleman, the gentleman from Maine, would include in those votes for Moss a number of rejected ballots which the gentleman from Illinois says are so uncertain that they ought not to be counted for anybody.

Mr. WILLIAMS of Mississippi. And yet the gentleman from Illinois includes fifty-odd votes for the contestant where he only claims 29.

Mr. FOX. They count 53 votes for Moss from precinct 9, when the contestant never contended for but 26 of those votes. Now, Mr. Speaker, I have not concluded my argument, but I have consumed all the time that I desire to take from the contestee in this case, and I yield the balance of the time allotted to the minority to the gentleman from Kentucky, the contestee.

The SPEAKER. The gentleman from Kentucky.

Mr. FOX. It is not understood, Mr. Speaker, that the gentleman from Kentucky is to speak now. I simply yield the balance of my time to him to dispose of as he pleases.

Now, Mr. Speaker, I have not concluded my argument, but I have consumed all the time that I desire to take from the contestee in this case, and I yield the balance of the time allotted to the minority to the gentleman from Kentucky, the contestee.

The SPEAKER. The gentleman from Mississippi states that the remainder of the time on that side is reserved to the gentleman from Kentucky, the contestee.

Mr. MANN. Now, Mr. Speaker, I yield twenty minutes to the gentleman from Kentucky [Mr. BOREING].

Mr. BOREING. Mr. Speaker, I desire to state in the beginning of my remarks that I have neither the right nor the inclination to cast any reflections whatever upon the sitting member. Our relations have always been friendly and pleasant. Nor does the record justify me in saying anything derogatory of the integrity or honor of the contestee.

This was an election, Mr. Speaker, held for the election of electors for President and Vice-President, for governor of Kentucky, and members of the Fifty-seventh Congress of the United States. It must be remembered that this election was held under the Goebel election law when it was clothed with its fullest power to do evil. That law was enacted in contempt of the rights of the citizens and the liberties of the people. It has been interpreted to afford the greatest opportunity for fraud upon a free and equal ballot. It has been administered to crush the public will by turning out the duly elected officers of the State of Kentucky and installing in their stead the defeated Democratic candidates.

Under the operation of the Goebel election law the election machinery of the State is an adjunct to the political organization. The central board, composed of three State commissioners, are a partisan political body elected by the legislature, which itself is elected under the most unjust apportionment law that ever disgraced the statute books of any one of the forty-five great Commonwealths of the Federal Union, an apportionment that disfranchises one-half the Republican voters of Kentucky. According to the showing of the Democratic board in Kentucky Mr. Beckham carried the election for governor by 3,500 majority; but out of 100 members of the State legislature the Republicans have 26 and the Democrats 74. How do you figure this? It is by making the Republican districts twice, and in some instances three times, as large as Democratic districts.

Now, Mr. Speaker, from this partisan State board emanates all power in Kentucky to hold elections, make returns thereof, to canvass and tabulate the votes, and try and dispose of contested-election cases, except the legislature itself is the board of trial of contested cases for governor and lieutenant-governor. The power goes out from the State commissioners through the county commissioners, to the officers in the precincts, who are clothed with the authority and charged with the duty of holding elections. These creatures of the parent board hold the elections and report back, through the county commissioners, to their masters.

The State commissioners have the right at any time to remove the county commissioners and appoint others in their stead. The county commissioners have the right at any time to remove the election officers in the precinct and appoint others in their stead, and it has been the practice under the Goebel law, on the day before election, for the county commissioners to make such changes as have been demanded by the Democratic organization. In the district of my colleague [Mr. IRWIN], in the election of 1899, I

believe, on the night before the election they changed nearly 100 of the election officers.

Mr. IRWIN. They changed 87.

Mr. BOREING. Eighty-seven. And in like manner they removed the election officers in other counties. Mr. Speaker, the record in this case discloses the fact that the same practice was continued in 1900. Now, neither the State commissioners nor the county commissioners are required to give any bond for the faithful performance of their duties. There is no provision in the Goebel election law to punish either a State commissioner or a counyt commissioner for a violation of law. I do not care whether they are all three Democrats or whether they are two Democrats and one Republican; they are in the majority in the State and in the county boards; and it is not true, as the gentleman from Alabama [Mr. BOWIE] stated to-day, that one of these commissioners has always been a Republican. In my own county, where we have 1,000 Republican majority, they gave us two Democrats and one Populist for county commissioners.

But, Mr. Speaker, I am speaking of the election law as it existed at the time this election was held. It is not the same now. In the beginning of the campaign of 1900 the Democrats in Kentucky found themselves in a defenseless position before the people. They had in broad, open daylight held up and robbed the Republicans of their election for State officers after the State board had canvassed the returns, tabulated the vote, and given them their certificates of election.

The same board that canvassed the vote and declared the result, after having tabulated the vote and declared the result on the face of the returns, transformed themselves into a board of contest, in which capacity they exercised the judicial power granted to them by the Goebel election law, and threw out the vote of county after county, including the city of Louisville, disfranchising one-fourth of the voters of the State, until they disposed of the Republican majority. So intense was the public sentiment against the Goebel law that even the Goebel Democrats, and especially the class of Democrats that went with the Goebel organization, because it seemed to be regular, would not approve of the methods practiced under its provisions. So monstrous was this conduct that it grated upon the sensibilities of the Goebel Democrats themselves.

I may say here, Mr. Speaker, that a Kentuckian by instinct is an honest man, whether he is a Republican or a Democrat. Kentuckians will not stand for office stealing by any party. They have something of the spirit of the Revolutionary fathers who believed that it was better to die than to live without civil liberty. So, notwithstanding my distinguished colleague from the First district of Kentucky in the Fifty-sixth Congress stood upon this floor and prophesied that the Goebel election law would stand forever as a monument to the memory of its framer, yet in less than six months perhaps after that utterance the legislature was convened in Kentucky for the purpose of repealing or modifying the Goebel election law.

Mr. WHEELER. He will find a more fitting monument in his calumniators and slanderers, who are denouncing his memory after his death.

Mr. BOREING. That prophecy is, perhaps, like your former prophecy. A Democrat is the worst prophet upon earth, because he always fixes the time for the fulfillment of his prophecy so near that he lives to witness the failure of his own predictions. [Laughter.]

Now, the legislature assembled in August and adjourned till October, and then they took down the most objectionable features of the Goebel election law; but they did not let that apply to the ensuing election. When the Goebel election law was enacted in Kentucky we had just had an election, and it was about eight months before another would occur. Yet the legislature put into operation what is known down there as "the emergency clause." We do not have any "grandfather clause" in our constitution; but we have a very peculiar and a very convenient clause known as the "emergency clause."

So, when the legislature of Kentucky enacted this law, notwithstanding it was eight months till an election, they applied "the emergency clause," and why? To enable the existing legislature to appoint the State commissioners. But when they assembled to take down this law, notwithstanding it was less than thirty days before an election, they failed to apply "the emergency clause."

Now, I put it to my colleagues and gentlemen on the other side of this House to answer this question: If the Democratic party—the Democratic organization in Kentucky—did not mean to use the Goebel law in the election of November, 1900, why did you not apply the "emergency clause" and let it go into effect then? Why, Mr. Speaker, this legislature passed two bills. They passed one in reference to the ballot and one in reference to the election machinery; and to the act passed in reference to the ballot they did apply the "emergency clause," letting that act go into effect at once, because the change in the ballot would tend to confuse the illiterate voter, especially the colored voter, and afford a pretext for throwing out his vote. But they wanted to use the election machinery in one more election—they therefore reserved the right to make one more "steal," and promised the people of Kentucky that they would be more honest thereafter.

This action was accepted by the Republicans at the time as notice that the Democrats intended to make it appear on the face of the returns, if possible, that they had a majority. By their action with reference to the election of 1899, in taking these offices from the Republicans by contest, they put themselves in a very bad attitude before the people of Kentucky and the people of the country; so the Democratic organization adopted a different policy for the campaign of 1900, a plan of a multiplicity of acts of petit larceny, instead of one act of grand larceny, which they had perpetrated before.

There are enough outcroppings in this record to show these facts. I do not mean to say that we did not have a fair election in any precinct in Kentucky in 1900, but I do declare to this House and to the country that wherever we had a fair election in Kentucky it was attributable to the fact that the election officers were better than the law under which they acted. I further declare that in the Third district, where this contest is made, the fact is disclosed by the record that they had some officers of election that were as bad as the law.

I refer especially to Hazelips Mills precinct, in which one Charley Jenkins figured, the district where they laid the Republican ballots in one pile and the Democratic ballots in another, and then this sweet-scented geranium, Jenkins, says, "Let us see whether all these ballots are signed by the clerk of the election." He looks at the Democratic pile and he finds only one. "Well," said some Republican, "that is a mistake; let us count it."

"Oh, no; I do not believe we ought to count it. Let us look at the Republican pile."

And they find 21 there that this Democratic clerk had failed to sign. Some Republican said, "Well, that is a pretty slick trick." Jenkins got angry, threatened to cut to pieces the man who impugned any dishonesty to his motives. Now, if Jenkins was sincere in his anger, then he had made a mistake and that vote ought to have been counted. If he had method in his madness, then he had committed a corrupt act and still the ballots ought to have been counted. I do not want to go into this legal discussion, as lawyers will never agree as to what the law is, and I speak as a layman, but allow me to say this: There is nothing better settled in Kentucky than the doctrine that neither the ignorance nor the fraud of election officers can deprive a citizen of his right to vote and have his vote counted as it is cast.

There is another doctrine well settled there, that it is the duty of an election officer to count the vote of every voter the way it has been cast if the intention of the voter can be determined from the ballot. Acting upon these two lines of doctrine, a majority of your committee have reached the finding that if we count these votes according to this doctrine it elects McKenzie Moss and does not elect John Rhea, the sitting member; consequently, they have not considered it necessary to go into the investigation of all the frauds that have been alleged and proven in this record.

There is another instance of an election officer who is as bad as the law in the person of Charles Wright. I believe that is in the Police Court precinct. What do we find? I am not quite as full of concession as the distinguished gentleman from Chicago. He admits that no fraud is proven there. Well, it is a fact that no witness testifies that he saw Charles Wright put those marks on the margin of those ballots, but to my mind, Mr. Speaker, there is the strongest kind of circumstantial proof that he did do it. It is in proof in this record that the Republican sheriff was engaged at the end of a long hall receiving the voters.

It is in proof in this record that the Republican judge was given a registration book, and he was poring over that with his spectacles on, trying so see that everything conformed to it; and here is Charlie Wright, with a lead pencil in one hand and a stencil in the other, getting in his work. Why, it is like the old man's coon trap down in North Carolina. He caught them comin' and gwine. It is in proof that he was the custodian of the ballots, that he gave out these ballots to the voters, that he had an opportunity to commit this fraud, and that he was the only man who did have an opportunity to put those marks upon the ballots. It is in proof that he was the first to discover them. It is remarkable that the very man who is suspected of making these marks discovers them first. Just like the clerk in the other precinct when he failed to sign the ballots, he was the first to investigate it.

The SPEAKER. The time of the gentleman has expired.

Mr. BOREING. Can I have a few moments more?

Mr. MANN. How much longer time does the gentleman want?

Mr. BOREING. Not over ten minutes, and maybe five.

Mr. MANN. I yield the gentleman ten minutes more.

Mr. BOREING. Mr. Speaker, there is method in all this; there is design in all this. They always made their marks to affect a few Democratic votes as well as Republican votes. You know that in order to make a lie go you have to put a little truth in it.

Now, it always worked out to the detriment of the Republicans and to the advantage of the Democrats; but it shows and tends to show just what we have always believed in Kentucky, that if we had been given a perfectly fair vote and a fair count in all the precincts that Mr. Yerkes would have been elected governor and Mr. Beckham would not have been elected governor. But I have no time to go further into this line of discussion. It has been said on the other side that Mr. Moss is a pretended Republican. I regret that such flings as that should come from the other side, because it is always in bad taste for a party or a church to abuse a man after he has left it. It is sufficient to say that McKenzie Moss has repudiated your doctrine, condemned your methods, and walked from under your jurisdiction, and it is too late now for you to undertake to arraign him and try him for political heresy, and however unsatisfactory his politics may be to the party that he went out from, they are eminently satisfactory to the party with whom he has cast his fortune and with whom he will affiliate in the future.

But I want to tell you, Mr. Speaker, that he came not alone when he walked out from under the dominion of Goebelism in Kentucky. Along with him came a large per cent of the best talent, the best culture, and the best standing of the Democratic party. Along with him came most of the former leaders of the Democratic party. Along with him came 75 per cent of the old Confederate soldiers in Kentucky, who refused to stand for the Goebel law or the Goebel methods in elections. All these men have not joined the Republican party, but they did all join in condemning Goebelism.

Now, Mr. Speaker, we have only to count the vote as the voter intended to cast it in order to seat the contestant in this case. The majority of the committee have been exceedingly fair in reaching their conclusion, in my opinion, and the law of the case has been fully and ably presented by the distinguished attorneys who have spoken for the majority report. I deem it unnecessary to attempt further to discuss the facts, and I have the utmost confidence in the jury that is to try this case. Whether the lawyers will all agree about the law or not I do not know; but I am confident of one thing—that the jury will be able to find a verdict from the facts. [Applause on the Republican side.]

Mr. MANN. Mr. Speaker, I trust that the gentleman from Mississippi [Mr. FOX] will consume some of his time at present.

The SPEAKER pro tempore (Mr. BURKETT). Does the gentleman from Mississippi desire to use some time now?

Mr. FOX. I will ask the gentleman from Illinois [Mr. MANN] if he desires to use any more of his time?

Mr. MANN. Not at present.

Mr. FOX. Mr. Speaker, it will be impossible for the contestee [Mr. Rhea of Kentucky] to conclude his remarks to-day. I have already yielded the entire time remaining to the minority, two hours, to the gentleman from Kentucky. It would be unpleasant and inconvenient to him to make a part of his argument this afternoon and a part to-morrow. In view of this fact, I hope that the gentleman from Illinois [Mr. MANN] will move that the House do now adjourn.

Mr. MANN. Mr. Speaker, I stated to the gentleman from Mississippi this morning that this very complication would arise unless the gentleman from Kentucky, the contestee, should address the House at the time the gentleman from Mississippi [Mr. FOX] commenced.

I think the House has exercised great patience in extending the time for the debate in the case. At my request this morning the House consented to give the extension of one hour on a side, which was purely for the purpose of accommodating the gentleman from Kentucky as to time, and it hardly seems to me a fair thing to the House to make the request which the gentleman from Mississippi now prefers.

We have acted in the very best of faith toward the gentlemen, in endeavoring to accommodate them so that all the members of the minority of the committee might have opportunity to be heard, and so that the gentleman from Kentucky [Mr. Rhea] might have the very unusual time of two hours in which to discuss the case. I think the gentleman from Kentucky might well proceed. The House is pretty well filled now, and will undoubtedly become much better filled as soon as the gentleman commences his speech. I myself am not willing that the House adjourn now. I think it is only fair to the House that the gentleman proceed.

Mr. FOX. We are not complaining of any treatment of the House. The action of the House has been satisfactory, as to time and all that. It would be a great convenience to the contestee and, it seems to me, a favor that might very well be granted. I ask unanimous consent that the remainder of this argument be postponed until to-morrow.

Mr. MANN. Well, Mr. Speaker, it has been the custom of the House ever since I have been here to close up an election case within two days. As a matter of accommodation to the minority, we originally planned that the vote should be taken upon to-morrow, so that more time might be devoted to debate, and then have allowed a portion of to-morrow in addition for debate, and because the business of the House is already delayed and we have not the right to ask further time in this case I must object.

The SPEAKER pro tempore. The Chair will state that the contestee has two hours and five minutes and the contestant one hour and eighteen minutes of time remaining.

Mr. MANN. I hope the gentleman from Kentucky will proceed. Of course I understand that he fears that breaking into his argument will make a difference; but I think the gentleman from Kentucky enjoys an opportunity which he might well seek—of having the House fresh to-morrow when he closes his argument.

Mr. RHEA of Kentucky. Mr. Speaker, it has been my hope and purpose in addressing this House touching a matter which not so much personally concerns myself as it does the great State of Kentucky that I should be able to present reasons, not invective, to the jury which is to decide my fate, and that I might be indulged the poor privilege of having at least a respectable number of the jury present to hear me; but when one is caught between Scylla and Charybdis he must do the best he can.

It would be a sad day for the American people if election contests were to be decided from purely partisan standpoints. It would be untrue if I were to say that I did not believe a Democrat could get a fair hearing at the hands of an Election Committee whose majority is opposed to him in politics, or a fair hearing in the House where the majority is against him.

It would also be a great mistake to assume that neither the Elections Committee nor the House could make a mistake in its findings. It was never my purpose to assail the committee or accuse the House of having been influenced in its determination of this case by political bias. Therefore I regret that the distinguished gentleman from Illinois in opening this debate deemed it necessary to assure the House that the committee was not controlled by partisan bias. I am reminded, however, that authority venerated among men hoary with age and entitled to as much acceptation as an election-contest speech in the House has said that "the wicked flee when no man pursueth."

The question to be determined here, and the question I am ready to meet, is whether, under the statute laws of Kentucky, controlling its elections, the right of each and every legal voter who presented himself at his polling place to cast one vote and have it counted as he casts it was violated in an election which on its face gave me the certificate to hold the seat which up to this moment I am entitled to. If by fraud, injustice, or partisanship I believed I was returned to this House I would scorn to hold the place here. [Loud applause on the Democratic side.] I am not reduced to the personal extremity that a mere salary of about $400 a month would induce me to hold on with tenacity to a place to which I was not elected. I have the pride which ought to animate every man that holds a place on this floor. That pride would go down in humiliation and defeat if I had the knowledge that a majority of the electors did not send me here.

I regret—I say it sincerely—I regret that my colleague from Kentucky, Judge BOREING, has played the part he did in this contest. I shall not say anything unkind of him or about him. I shall not even deal in kind against his political associates in the State of Kentucky. I shall not be taken from the true issue involved here, to answer the purely bitter partisan arraignment of my political associates in Kentucky, further than to say that his speech disclosed the fact that he is both partisan and ignorant of the election law in Kentucky. I took his language, and he said this:

> That the Republican party was held up and the Republicans robbed of the State offices in 1899 after they had won them and the State board of election commissioners had issued to them the certificates, and that that was done under and pursuant to the provisions of the Goebel election law.

For more than a hundred years, indeed since that great Commonwealth which he and myself both represent adopted its first constitution, the law in regard to a contest and its settlement for the offices of governor and lieutenant-governor has given to the general assembly final and exclusive jurisdiction.

Mr. BOREING. Mr. Speaker, will the gentleman permit me?

Mr. RHEA of Kentucky. I can not, and I will not.

Mr. BOREING. I thought you would not.

Mr. RHEA of Kentucky. Yes; you are right. [Applause on the Democratic side.]

Had William Goebel never been born on this earth; had he never left that other great Commonwealth of Pennsylvania to seek his fortune in Kentucky; had he never trod its clover-blossomed fields; had Kentucky sunshine never bathed his pale brow; had he never drawn inspiration from the eyes of her fair women, the

law invoked and the law which settled that contest would have been the same.

Just for a brief while I shall endeavor, not to defend, because it needs no defense, but to explain to those who do not know the changes that were made in the election laws of Kentucky as they existed from time immemorial, by the law known as the Goebel election law. There is not in any Commonwealth in this glorious Union a nonpartisan election board—not one but what the majority party in that Commonwealth enact all its laws, the election laws included, and not one to which commits the conduct and control of its elections to its political opponents who are in the minority.

Now, under the old law, as I said, from the inception, from the adoption of the first constitution in Kentucky, where contests ever arose over the governor or the lieutenant-governor, it was committed to the general assembly. It was not in any wise changed by the Goebel election law. Now, the law from time immemorial in contests for State offices less than governor and lieutenant-governor, the canvassing board, the contest board, was composed of the governor, the attorney-general, the auditor, the secretary of state, and the treasurer of the State. It has never occurred in the history of Kentucky that the State offices in Kentucky have been divided between two political parties, so that necessarily whichever party won at the election the election machinery was, in that sense, purely partisan, and the politics of those charged with the administration of the law and the settling of the contest rendered them more or less partisan in their judgment and decision.

In the selection of officers to conduct the election on election day under the late law, the county judge, one man in each county, was charged with the sole duty of selecting all the election officers, judge, sheriff, and clerk. In that selection he was only restricted by the statute which said he should make an equal division between the two dominant political parties, or the two political parties that cast the highest vote at the last general election in the Commonwealth; that is, one judge should be a Republican and one a Democrat, and a like division existed between the offices of sheriff and clerk; and that notwithstanding the fact that pretty nearly—I may say, in 99 out of 100 cases the county judge who made the selection was a candidate for reelection at the time himself, thereby selecting those who were to pass upon his own case in the coming election.

The canvassing board under the old law was the county judge, the county clerk, the county sheriff, all three of whom were frequently, as is known to every Kentucky member on this floor, candidates for reelection. The law said that when you come to canvass the vote as to county judges, the county judge shall stand aside and the clerk and sheriff shall render the return and write the certificate; and when you come to the county clerk's office, the clerk shall stand aside and the judge and the sheriff shall render the result; and when you come to the sheriff, the sheriff shall stand aside and the judge and the clerk shall ascertain and declare the result. But if men would forget their duty and proceed along partisan lines purely, how easy would it be for a common understanding between the three for the judge to say to the clerk and the sheriff, "You count me in and I will count you in;" and so all along the line.

Now, the change made by the Goebel law was that instead of the governor, etc., constituting the canvassing board for the State and the board for the contest of offices less than the governor and lieutenant-governor, there was selected by the general assembly three State commissioners who did this. The change in the county machinery was that instead of the county judge appointing the officers and the county judge and sheriff and clerk constituting a canvassing board to issue certificates, the State commissioners named three commissioners for the county, who did this work.

I can not undertake to say what the court in London, Laurel County, Ky., did, but I do undertake to assert, upon my word as a member of this House, that in no election occurring in the Third Congressional district of Kentucky has that county board been composed of all Democrats, but that two of them were Democrats and one a Republican, and that the records will show that a Republican was appointed upon the recommendation of the local Republican committee of each county.

If, in the judgment of that State board, it found it necessary to keep a Republican off in the county of my colleague [Mr. BORING], I am not responsible, nor are the voters of my Congressional district. But the Goebel election law did not remove, or attempt to remove, one safeguard thrown around the ballot box by the State law. It still commanded that the election officers should be equally divided between the two political parties. It still gave to each political party not only a division of the election officers, but it gave each party the right to have an inspector and a challenger named by the Republican organization of each county who could be present at the polls and in the polling places from the time the first vote was deposited until the certificate was written. If in any county in the Third Congressional district that was not done, this record fails to disclose it, and it could only have been because the Republican organization failed to name and appoint such person to be present at the polling places.

Now, none of us—none of you any more than myself—are free from political bias. Determine how we will to divest ourselves of all political feeling in forming our judgments and writing our verdicts, we can not do it. It creeps in unconsciously oftentimes and displays itself in the ardor of debate. Now, my genial and able friend, Judge SMITH of Iowa, on Saturday—and I submit to himself and that side of the Chamber—forgot that he was a judge in his argument and became a Republican advocate. I admire his genius, his ability, and his kindly good nature, but his political bias just exuded out of the pores of his skin, and he could not help it. [Laughter.]

When he was being interrogated on the floor touching the returns from the county of Warren and asked why it was that the Republican officials at these polling places did not make the returns that our contention is the Kentucky statute and the Kentucky courts say must be made in order to give validity to the so-called contested ballot, he said in distinct language that under the operations of the Goebel law we had all the sheriffs; that the law was so written as to put the appointment in the power of Democratic hands, and that the Democratic commissioners used the law, as he says, so that at every polling place the Democrats had the sheriff, who was the arbiter in dispute, and the Republicans had the clerk, who could do nothing but write the ballot. That is his exact language as printed in the RECORD.

Mr. SMITH of Iowa. Will the gentleman read the language from the RECORD, if that is the exact language?

Mr. RHEA of Kentucky. I hate to take the time, but I know what I am talking about.

Here it is:

Mr. SMITH of Iowa. I will answer the question. It would not do a particle of good, because you say the law of Kentucky required them to be certified to by all the election officers, and you had the controlling factors of the board; you had one judge and the sheriff in each precinct.

[Applause on the Democratic side.]

Mr. SMITH of Iowa. I submit that that is not either in substance or in letter the language as the gentleman stated it.

Mr. RHEA of Kentucky. I do not hear the gentleman's remark.

Mr. SMITH of Iowa. I submit that the language just read is not either literally or in substance the language as before stated by the gentleman.

Mr. RHEA of Kentucky. That is a mere quibble. You were discussing (and I was referring to it) the returns from the sixth election precinct in the city of Bowling Green, where these contested and so-called uncounted ballots were sent up. The very question and the answer (if I had the time to go into the matter) would show—all the colloquy led up to it—that the statement was made on our side that if it was an intentional fraud that this return was withheld it was within the power of the Republican election officers there to sign the return and have the Democrats refuse; and you gave that answer to that statement, in which you say at that time we had the sheriff.

Now, I undertake to say that at four of the polling places whence come these disputed and contested ballots you had the controlling factor, and your own evidence discloses it. In Electric Light precinct, No. 20, you had J. H. Thompson, a Republican sheriff; at Police Court Room, 21, you had F. N. Downer, a Republican sheriff; at Gas House, 22, you had W. H. Hawkins, a Republican sheriff; and at precinct 18 you had T. C. Garrettson, a Republican sheriff. At only one precinct where any considerable number of ballots appear in this record as contested or rejected had the Democrats the control of the election machinery; and under the election law of Kentucky controlling that election, which has been the law since Kentucky was a State, if a difference arises between the judges as to the right of a voter to vote or as to the legality of a ballot which is voted and taken out of the box, the sheriff of the election has the controlling vote in that disagreement.

I understand it is admitted that unless all the ballots are accounted for that were at the polling place on election day no certain conclusion can be arrived at as to these contested ballots. Now, let us see what your report shows. Here is the report of the majority; let us test it by that rule. I repeat it is conceded by the majority of the committee that every ballot that was in the box at any polling place where a contest arose on the morning when the election was opened must be accounted for in the return, or else you can not arrive at a true conclusion as to what was or what was not done with the contested ballots. Now, let us take the Electric Light precinct:

Number of ballots counted as valid	264
Number of ballots questioned or rejected	100
Number of ballots marked "spoiled"	10

The ballots counted as valid, with those questioned or rejected and those marked "spoiled," make the total number 374.

Number of ballots not used, and destroyed after the polls closed, none.
Total of ballots in this book, 418.

Now, tell me what became of the difference between 374 ballots counted and 418 ballots that appeared at that polling place on election day. You can not do it, but perhaps I can.

The evidence of John E. Dubose, witness and attorney—not to be feared much as a lawyer, but most dangerous as a witness [laughter]—the evidence of John E. Dubose taken in this contest—the man who appeared before your committee to argue the contestant's case—discloses the fact, on cross-examination, that he and the contestant who sits there had these ballots in their possession.

The law says that the ballots shall be kept sealed and inviolate; surrendered to no man except a court of jurisdiction competent to try the contest. Yet this man is forced to admit, because he knew we knew it—he is forced to admit on cross-examination that he and the contestant went into the clerk's office, the clerk being a partisan of the contestant, as well as the custodian of the ballots, and that he and the contestant were there permitted to handle these ballots. That explains the difference between 374, the number accounted for, and 418, the number in the books.

Now, I maintain, under the concession of gentlemen who agree with the contestant side of this case, that if all these ballots are not accounted for, then no conclusion can be arrived at touching these questioned or rejected ballots. I ask gentlemen on that side of the Chamber, then, what they will do with the Electric Light precinct in the face of this discrepancy of 26 and 18—44 ballots. Gone where? I don't know. Never in the possession of anybody but the clerk, who was the contestant's supporter and partisan, and the contestant and his lawyers. What will you do with that when the committee that reports sixty odd votes of the 100 returned "contested" ought to be counted for the contestant in order to give him the 21 majority that they say he is entitled to?

Now, I want to take up a little of the law of this case and notice for a while some of the law relied on by the distinguished gentleman from Iowa, Judge SMITH. His contention is that the House is not bound by the statutes of a State touching the conduct of its elections; is not bound by the law as laid down by its highest courts of adjudicature construing those statutes, and for that he cites from McCrary on Elections, a most learned lawgiver, who has written, perhaps, the best treatise in the English language, as was said by Judge SMITH, on the subject of elections. This is the law Judge SMITH cites to uphold his contention:

The statute of Alabama, defining the powers and duties of the board of county canvassers, or supervisors of elections, provides as follows:

"That it shall be the duty of the board of supervisors of elections, upon good and sufficient evidence that fraud has been perpetrated, or unlawful or wrongful means resorted to to prevent electors from freely and fearlessly casting their ballots, to reject such illegal or fraudulent votes cast at any such polling place, which rejection so made as aforesaid shall be final unless appeal is taken within ten days to the probate courts."

He cites further from the report of the committee of the House, of which Judge McCrary was perhaps a member at that time. Touching upon this Alabama case, the committee in its report says:

In the opinion of the committee, it is not competent for the legislature of a State to declare what shall or shall not be considered by the House of Representatives as evidence to show the actual votes cast in any district for a member of Congress, much less to declare that the decision of a board of county canvassers, rejecting a given vote, shall estop the House from further inquiry. The fact, therefore, that no appeal was taken from the decision of the board of canvassers rejecting the vote of Girard precinct can not preclude the House from going behind the returns and considering the effect of the evidence presented. From this evidence we conclude that box No. 1 was improperly rejected by the board.

What does that decide? It simply says, which everybody knows to be true, that no power rests in the legislature of the State of Kentucky or the State of Alabama to say: If you do not do a certain thing by a certain day you can not wage a contest before the Congress of the United States touching the seat of a member therein; if you do not appeal to some court by a certain day your right of appeal to the Congress will be denied. Certainly nobody was ever so foolish as to contend that the House would be bound by any such statute as that, because the Congress of the United States has lodged in it exclusive and final jurisdiction of all contests arising over the right of a member to his seat on the floor of the House; and no State legislature could enact a law requiring that an appeal should be taken from the canvassing board to some court of the Commonwealth or of the county before the right of appeal would lie to the Congress of the United States on a contest. So it proves nothing.

Now, what has the Kentucky court and the Kentucky statute said? It does not say, you must do this, that, or the other, else you can not carry the record to the Congress of the United States. It simply says that in order to validate a return, in order to give authenticity to a return, in order to constitute a return, that certain prerequisites must be complied with. In other words, that if a ballot is contested and either counted or rejected, and it is to be made the basis of a contest before the canvassing board or before Congress, that in order to identify that ballot before the canvassing board of the county, you must keep it separate and apart from all other ballots returned.

You must inclose it in a sealed envelope, you must seal that envelope with sealing wax and put the county election seal upon it, and you must indorse across the face of that seal your names as election officers; and a true statement must accompany these ballots showing how many there are, whether counted in whole or in part, and if counted in part, for whom and how many. Now, I want the gentleman from Illinois who will conclude this case to tell me how a canvassing board, a committee of Congress, or the House itself can determine that a ballot has been contested and either counted or not counted unless something is done to or concerning that ballot to identify it when it gets before the county canvassing board or before the committee of this House or the House itself.

Will it do to say that the general return, as has been argued here, which is written in the back of the poll book, which states how many votes were cast for the Democratic electors for President and Vice-President, naming them by name; how many for the Republicans, naming them by name; how many for Yerkes, the Republican candidate for governor; how many for Beckham, the Democratic candidate; how many for Mr. Moss, and how many for me and for the other candidates for those offices, merely saying that there were 100 contested ballots? Can anybody determine from that? I ask any member of this House, can you take such a return as that and simply because you find in a sack sent up with the other returns a lot of ballots without any other mark of identification or any other certification from those in charge of the election, and either count in whole or in part, or reject in whole or in part, and send them up for future investigation in the absence of any mark made by these gentlemen identifying them—can this House undertake to say what those ballots are or what was or what was not done with or concerning them? I do not think it can be done.

But it is said that if the contention of the contestee here is the correct one, then a fair election and an honest return could be forever prevented by the dominant party in control of the polls in Kentucky. Let us see about that, Mr. Speaker. Let us apply it to the case in hand.

All the contested ballots come from the county of Warren, and 95 per cent of them from the precincts within the city of Bowling Green. No complaint is made that any injustice was done in the selection of election officers at either one of these precincts. No suggestion of fraud is intimated in the record or notice of contest or the brief of attorneys except as to the action of possibly three men, but none is intimated against the manner of their appointment or against the intelligence or loyalty of those representing the Republican party.

Now, if it had been the purpose of the Democratic officials to refuse to execute the law, in order that they might beget an untrue and an unrighteous result, then those Republicans had it absolutely in their power to have made the fraud so apparent to this House that you would not have found this contestee here asking you to consider his case. How? They could have made the return required by the statute. They could have said to the remaining Democratic officials, "Here is the law. Write this return and indorse your name on this official envelope, containing these ballots," and if those Democrats had refused to do it it would not have been necessary to seek the extraordinary processes of a court of chancery or the writ of mandamus. The fraud would have been so apparent that every honest man in Bowling Green and Warren County would have risen in rebellion, and the mere presentation of such a record as that would have been conclusive as to what was the purpose of those Democrats who refused to obey the law. But how do our friends, the enemy, seek to avoid that? Oh, they say that Charlie Wright, up in the Police Court-House precinct, said, "Damn it, if you do not count these votes and put them in here and sign the returns, I will not sign anything."

Now, the gentleman from Maine [Mr. POWERS] went ahead to read a statement from Mr. Downer, in which Mr. Downer said that he had never served as an election officer before. I will add my personal word about Mr. Downer. He is one of the most intelligent, upright, courageous men I know; a man of large business interests; not a street vagabond, not an election bummer picked up by a Democratic election commission who would serve their purpose either by reason of ignorance or cowardice, but a most reputable man; and had the contestant dared make use of the privilege I tried to get him to exercise—to be heard in his own behalf—I would have forced him to admit that my personal tribute to Frank Downer is a true one. [Applause on the Democratic side.]

That is the answer, though, that somebody said, "Oh, if you do not do this, I will not do the other." Well, if they had not done the other there could not have been any return at all, and if the

Democrats had refused for that reason, especially, because the Republicans refused to coincide with them upon the legality of some vote or the illegality of another, the statement of Frank Downer would have been conclusive of the fraud. It is the merest pettyfogging to make such an argument to this House. It is a special plea that is not worthy of a police-court lawyer. It is insulting to the intelligence of the American Congress to say that Republicans like Frank Downer and Erasmus Motley and others who presided over and protected the Republican interests at the polls submitted to this thing either through fear or coercion, and wrote anything or refrained from writing anything that Charlie Jenkins or Charlie Wright or some others suggested to them.

The committee pays me the personal compliment—for which I return my gratitude and thanks—to say that it finds nothing in the record that affects my character as a man or a member of this House. I say to the committee that I thank them for that personal estimate; but I should be untrue to myself, knowing these Democrats as I do and knowing this record as I know it, to let the charge of fraud and corruption and forfeiture of their oaths be hurled at them, and escape through a fulsome compliment of this committee. I accept the fate of my political brethren in Kentucky and my district. [Applause on the Democratic side.] I am no better than my party or its humblest honest voter. [Applause on the Democratic side.] They stand for honesty and for purity as much as I do, and if by this record they are to be impeached, then I will share a common fate with them.

When the committee gets into my own county of Logan, where the fiercest onslaught was made in the notice of contest, in the argument of contestant's attorneys and in the attempted evidence, it finds that gross frauds were perpetrated. Inasmuch as a brother of mine was a Democratic elections commissioner, it may fairly be assumed I am responsible for certain things. I want to say now that he did all he did at my suggestion. He did nothing I would not have done, and he did nothing any honest man ought to refuse to do for his party. The committee says that it finds that the grossest fraud was perpetrated in precinct No. 20, in Logan County, Ferguson precinct, and it prints the returns to show that everything went wrong down there. Here is the report:

This charge of conspiracy to commit fraud relates to a number of precincts in Logan County. It is quite certain that the Kentucky law requiring an equal division of the precinct election officers between opposing political parties was neither properly nor honestly obeyed by the county election board in Logan County. It is also quite certain that in a number of the precincts the conduct of the officers of election is subject to criticism. For instance, in Ferguson precinct the Democratic clerk of election conducted himself in a particularly reprehensible manner. It is charged that in this precinct a number of persons who voted the Republican ticket made out the proper affidavits in accordance with the statute after being challenged, but that nevertheless their ballots were not counted, and that the officers of the election conducted the election without regard to the law and wholly in the interest of the contestee and against the interest of the contestant.

The certificate of return by the election officers in this precinct of itself at least casts suspicion on, if it does not condemn the action of, the election officials in the precinct.

They made the following return:

Number of ballots counted as valid	245
Number of ballots questioned or rejected	
Number of ballots marked "spoiled"	
Whole number of ballots cast	21
Number of ballots not used and destroyed after the polls closed	96
Total number of ballots in this book	360

The evidence discloses the fact that in a large Democratic precinct a Democratic clerk, with the very able assistance of a Republican inspector, Bill Darby, whom I have known all my life, imbibed too much whisky and got drunk and conducted himself improperly; and the evidence discloses that other Democratic officials at that polling place and Democrats on the outside tried to get him to vacate his place and let some one else go in and conduct the election. But he was simply in a drunken condition, and to say my political friend and my personal friend, in an attempt to perpetrate fraud, being a man of enough intelligence to fill the place of clerk, would intentionally make such a return as that, to be seen of all men, is so preposterous on its face that it is idle for anybody to talk about it.

I admit that the return is in such a shape that no credence could or ought to have been given to it. I admit that by reason of his drunken condition such things occurred there as would at least throw a suspicion of fraud—not actual, but legal, technical fraud—around about it and to render the return wholly uncertain; to make it impossible for either the canvassing board, perhaps, or the board of this House to determine what was the true result at that polling place. I recognized that fact and introduced proof to show the true vote. Recognizing that the value of the returns had been destroyed, I put on the stand or accounted for 144 voters, who testified under oath that they were there present on that day, legal voters, and cast their votes for me.

I accounted for all but 9 of the votes claimed for me in that precinct. "McCrary on Elections" says you may destroy the returns, utterly blot them out, but every legal voter has the right to establish the fact that he voted that day, and he get credit for it. But I told you Dubose is more dangerous as a witness than as a lawyer. Dubose did not know that, having destroyed the validity of the returns, if it was thrown out it would also throw out the 85 votes for his man. I proved within nine votes of all that were claimed for me, but he never put on the witness stand a single voter to prove a vote for Moss, and the committee do not disturb this return, because if the committee threw out the whole return it would knock out Moss's 85 votes and away would go the majority of 21 which they give him. [Loud applause on the Democratic side.]

Mr. Speaker, it is now 5 o'clock, and I would ask the indulgence of the House to quit now, to enable me to conclude to-morrow. [Loud applause on the Democratic side.]

Mr. MANN. I hope that may be accorded to the gentleman, Mr. Speaker.

ENROLLED BILLS SIGNED.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

H. R. 6018. An act granting a pension to Lue Emma McJunkin;
H. R. 7074. An act granting a pension to Benjamin F. Draper;
H. R. 5289. An act granting a pension to Malvina C. Stith;
H. R. 5543. An act granting an increase of pension to Samuel W. Skinner;
H. R. 4260. An act to correct the military record of James A. Somerville;
H. R. 1529. An act granting an increase of pension to John G. Brower;
H. R. 3272. An act granting an increase of pension to Israel P. Covey;
H. R. 4456. An act granting a pension to Ruth B. Osborne;
H. R. 2673. An act granting an increase of pension to John Vale;
H. R. 11145. An act granting an increase of pension to Mary F. Key;
H. R. 4488. An act granting an increase of pension to Selden E. Whitcher;
H. R. 9227. An act granting an increase of pension to Frederick Shafer;
H. R. 9397. An act granting a pension to John S. Lewis;
H. R. 8293. An act granting a pension to Amanda Jacko;
H. R. 7823. An act granting an increase of pension to Jacob D. Caldwell; and
H. R. 3148. An act for a marine hospital at Buffalo, N. Y.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. BURTON, for four days, on account of important business.

WITHDRAWAL OF PAPERS.

By unanimous consent, Mr. FITZGERALD obtained leave to withdraw from the files of the House, without leaving copies, the papers in the case of James L. Proctor, Fifty-seventh Congress, no adverse report having been made thereon.

By unanimous consent, Mr. MAYNARD obtained leave to withdraw from the files of the House, without leaving copies, the papers in the case of James McGreevey, Fifty-sixth Congress, no adverse report having been made thereon.

By unanimous consent, Mr. DE GRAFFENREID obtained leave to withdraw from the files of the House, without leaving copies, the papers in the case of Ferguson M. Burton, Fifty-sixth Congress, no adverse report having been made thereon.

Mr. MANN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 4 o'clock and 59 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, a letter from the resident commissioner from Porto Rico, transmitting a copy of a resolution of the executive council of Porto Rico relating to postal savings banks, was taken from the Speaker's table, referred to the Committee on Insular Affairs, and ordered to be printed.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. WEEKS, from the Committee on Claims, to which was referred the bill of the House (H. R. 10140) for the relief of Henry La Croix, of Algonac, Mich., reported the same with amendment,

accompanied by a report (No. 1172); which said bill and report were referred to the Private Calendar.

Mr. GRAFF, from the Committee on Claims, to which was referred the bill of the House (H. R. 4399) to reimburse the State of Wyoming for money expended by the Territory of Wyoming in protecting and preserving the Yellowstone National Park during the years 1884, 1885, and 1886, reported the same without amendment, accompanied by a report (No. 1173); which said bill and report were referred to the Private Calendar.

Mr. NEVIN, from the Committee on Claims, to which was referred the bill of the House (H. R. 8546) to grant jurisdiction and authority to the Court of Claims in the case of *Southern Railway Lighter No. 10*, her cargoes, etc., reported the same with amendment, accompanied by a report (No. 1174); which said bill and report were referred to the Private Calendar.

Mr. OTEY, from the Committee on Claims, to which was referred the bill of the House (H. R. 3728) for the relief of Noah Dillard, of the State of Connecticut, reported the same with amendment, accompanied by a report (No. 1175); which said bill and report were referred to the Private Calendar.

Mr. NEVIN, from the Committee on Claims, to which was referred the bill of the House (H. R. 4534) for the relief of Joseph A. Jennings, reported the same with amendments, accompanied by a report (No. 1176); which said bill and report were referred to the Private Calendar.

Mr. OTEY, from the Committee on Claims, to which was referred the bill of the House (H. R. 6830) authorizing and directing the Secretary of the Treasury to pay to the heirs of Peter Johnson certain money due him for carrying the mail, reported the same with amendment, accompanied by a report (No. 1177); which said bill and report were referred to the Private Calendar.

Mr. MILLER, from the Committee on Claims, to which was referred the bill of the House (H. R. 4178) for the relief of Austin A. Yates, reported the same without amendment, accompanied by a report (No. 1178); which said bill and report were referred to the Private Calendar.

Mr. STORM, from the Committee on Claims, to which was referred the bill of the Senate (S. 567) for the relief of H. B. Matteosian, reported the same without amendment, accompanied by a report (No. 1179); which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. BREAZEALE: A bill (H. R. 12939) to authorize the parish of Bienville, La., to construct and maintain a wagon and foot bridge across Loggy Bayou, in the parish of Bienville, State of Louisiana—to the Committee on Interstate and Foreign Commerce.

By Mr. IRWIN: A bill (H. R. 12940) creating a commission to inquire into the condition of the colored people of the United States—to the Committee on Labor.

By Mr. SUTHERLAND: A bill (H. R. 12941) defining what shall constitute a discovery of and providing for assessments on oil mining claims—to the Committee on Mines and Mining.

By Mr. MOODY of Oregon: A bill (H. R. 12942) for the relief of the various tribes of Indians and individual Indians in the United States, and for other purposes—to the Committee on Indian Affairs.

By Mr. MEYER of Louisiana: A bill (H. R. 12943) to erect a monument on the Chalmette battle ground, in St. Bernard Parish, La.—to the Committee on the Library.

By Mr. LLOYD: A bill (H. R. 12944) providing for the erection of a public building at Kirksville, Mo.—to the Committee on Public Buildings and Grounds.

By Mr. MARTIN: A joint resolution (H. J. Res. 169) providing for the publication of 1,000 copies of Preliminary Description of the Geology and Water Resources of the Southern Half of the Black Hills—to the Committee on Printing.

By Mr. RANDELL of Texas: A joint resolution (H. J. Res. 170) expressing sympathy for the two South African Republics and urging cessation of hostilities—to the Committee on Foreign Affairs.

By Mr. COCHRAN: A resolution (H. Res. 174) requesting the Secretary of State to secure safe conduct for physicians sent by charitable associations to the theater of military operations in South Africa—to the Committee on Foreign Affairs.

By Mr. WANGER: A resolution (H. Res. 175) directing the Secretary of War to furnish to Congress copy of the "Proceedings of Board of Ordnance and Fortifications" for the past two years; also opinions obtained by said Board as to the value of the service disappearing gun carriage—to the Committee on Appropriations.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills of the following titles were introduced and severally referred as follows:

By Mr. BOWERSOCK: A bill (H. R. 12945) granting a pension to Jennie E. Boernstein—to the Committee on Invalid Pensions.

By Mr. COWHERD: A bill (H. R. 12946) for the relief of J. H. Sanders, of Jackson County, Mo.—to the Committee on War Claims.

By Mr. CROWLEY: A bill (H. R. 12947) granting a pension to John N. Bayles—to the Committee on Invalid Pensions.

By Mr. GROSVENOR: A bill (H. R. 12948) for the relief of Van Goolsberry—to the Committee on Military Affairs.

By Mr. HAY: A bill (H. R. 12949) for the relief of Mahlon H. Childs—to the Committee on War Claims.

By Mr. IRWIN: A bill (H. R. 12950) for the relief of Morgan O'Brian—to the Committee on Military Affairs.

By Mr. LITTLE: A bill (H. R. 12951) for the relief of the heirs of H. D. Flowers, deceased—to the Committee on War Claims.

By Mr. MARTIN: A bill (H. R. 12952) authorizing the Secretary of the Interior to issue patent to the Rochford Cemetery Association to certain lands for cemetery purposes—to the Committee on Patents.

Also, a bill (H. R. 12953) granting an increase of pension to Adoniram J. Austin—to the Committee on Invalid Pensions.

By Mr. MEYER of Louisiana: A bill (H. R. 12954) for the relief of the legal representatives of Zenon de Moruelle, deceased—to the Committee on War Claims.

By Mr. MOODY of North Carolina: A bill (H. R. 12955) granting a pension to Alfred B. Panther—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12956) granting a pension to Melissa White—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12957) granting a pension to Joseph H. Bryson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12958) for the relief of Henry Berry—to the Committee on War Claims.

By Mr. NEVIN: A bill (H. R. 12959) granting an increase of pension to William C. Lyon—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12960) granting an increase of pension to Andrew T. Bovard—to the Committee on Invalid Pensions.

By Mr. HENRY C. SMITH: A bill (H. R. 12961) for the relief of James L. Carpenter—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12962) granting a pension to Minerva Chamberlain—to the Committee on Invalid Pensions.

By Mr. SPERRY: A bill (H. R. 12963) granting a pension to Sarah E. Smith—to the Committee on Invalid Pensions.

By Mr. TOMPKINS of Ohio: A bill (H. R. 12964) granting a pension to James M. Littrell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12965) granting an increase of pension to William Evans—to the Committee on Invalid Pensions.

By Mr. VANDIVER: A bill (H. R. 12966) granting a pension to William C. Kinyon—to the Committee on Invalid Pensions.

By Mr. VAN VOORHIS: A bill (H. R. 12967) to remove the charge of desertion from the military record of Nicholas Swingle—to the Committee on Military Affairs.

By Mr. WARNER: A bill (H. R. 12968) granting an increase of pension to John T. Mull—to the Committee on Invalid Pensions.

By Mr. WATSON: A bill (H. R. 12969) granting an increase of pension to Capt. George W. Kimble—to the Committee on Invalid Pensions.

By Mr. PATTERSON of Pennsylvania: A bill (H. R. 12970) granting a pension to Frederick Dutrer—to the Committee on Invalid Pensions.

By Mr. SOUTHARD: A bill (H. R. 12971) granting a pension to Thomas Martin—to the Committee on Pensions.

Also, a bill (H. R. 12972) granting an increase of pension to John Cable—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ACHESON: Petition of United Labor League of Sharpsburg, Pa., favoring the construction of war vessels at the Government navy-yards—to the Committee on Naval Affairs.

By Mr. ADAMSON: Petition of Atlanta Credit Men's Association, indorsing the Ray bankruptcy bill—to the Committee on the Judiciary.

By Mr. ALEXANDER: Petition of Group No. 259, Depew, N. Y., Polish Society, urging a monument at Washington to the memory of Count Pulaski, of the Revolutionary war—to the Committee on the Library.

Also, petition of Carpenters' Lodge No. 440, of Buffalo, N. Y.,

favoring the construction of war vessels at the Government navy-yards—to the Committee on Naval Affairs.

By Mr. BOWERSOCK: Memorial of the general committee of adjustment of the St. Louis and San Francisco Railroad Company of Fort Scott, Kans., favoring reenactment of Chinese-exclusion law—to the Committee on Foreign Affairs.

Also, memorial adopted by the Fifth Annual Convention of the National Live Stock Association, at Chicago, favoring legislation relating to transportation of live stock—to the Committee on Interstate and Foreign Commerce.

Also, petition of citizens of Fort Scott, Kans., favoring an amendment to the Constitution defining legal marriage—to the Committee on the Judiciary.

By Mr. BREAZEALE: Petition of citizens of Desarc, Red River Parish, La., praying for the passage of a bill to authorize the construction of a wagon and foot bridge across Loggy Bayou, in the parish of Bienville, La.—to the Committee on Interstate and Foreign Commerce.

By Mr. BROMWELL: Petition of Queen City Lodge, No. 105, Iron Ship Builders' Union, Cincinnati, Ohio, favoring restricted immigration—to the Committee on Immigration and Naturalization.

By Mr. BURKETT: Petition of National Live Stock Association, for modification of section 4386 of the Revised Statutes, for the care and feeding of live stock in transit to market—to the Committee on Interstate and Foreign Commerce.

Also, papers to accompany House bill 3242, granting a pension to T. A. Wilson—to the Committee on Invalid Pensions.

By Mr. CONRY: Resolutions of Boston Division, No. 122, Order of Railway Conductors, favoring a reenactment of the Chinese-exclusion law—to the Committee on Foreign Affairs.

By Mr. COWHERD: Petition of J. H. Sanders, for reference of war claim to the Court of Claims—to the Committee on War Claims.

By Mr. CROWLEY: Paper to accompany bill for the relief of Lofton Burgess—to the Committee on Military Affairs.

By Mr. CRUMPACKER: Petitions of Polish societies of Hammond, Ind., urging the passage of House bill No. 16, providing for the erection of a statue to the memory of Count Pulaski at Washington—to the Committee on the Library.

Also, petition of Order of Railway Conductors, Division 302, of Lafayette, Ind., favoring legislation to exclude Chinese laborers from the United States and insular possessions—to the Committee on Foreign Affairs.

By Mr. EDWARDS: Resolutions adopted at a meeting of the Montana Agricultural Association, Helena, Mont., opposing any measure that has for its object the leasing of the public lands, etc.—to the Committee on the Public Lands.

Also, petition of the Aldridge Miners' Union, No. 57, of Aldridge, Mont., favoring a restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. EMERSON: Communication from Samuel Gompers, president American Federation of Labor, with reference to House bill 3076—to the Committee on Labor.

Also, letter from J. K. McCammon, with reference to House bill 3076—to the Committee on Labor.

By Mr. ESCH: Petition of the National Live Stock Association, in relation to the feeding and watering of live stock in transit—to the Committee on Interstate and Foreign Commerce.

Also, Petition of Holy Cross Society, of La Crosse, Wis., urging the passage of House bill No. 16, providing for the erection of a statue to the memory of Count Pulaski at Washington—to the Committee on the Library.

By Mr. FITZGERALD: Resolutions of the Chamber of Commerce of Stockton, Cal., for an appropriation for the purpose of diverting the waters of the Mormon Channel into Calaveras River—to the Committee on Rivers and Harbors.

Also, resolutions of Manufacturers' Association of New York, favoring the building of war ships in the navy-yards—to the Committee on Naval Affairs.

Also, resolutions of National Live Stock Association, presenting reasons for the modification of section 4386 of the United States Revised Statutes—to the Committee on Interstate and Foreign Commerce.

Also, resolutions of Retail Lumber Dealers' Association, urging the passage of House bill No. 8337, confirming certain powers of the Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

Also, resolutions of the Manufacturers' Association of New York, against the passage of Senate bill 1118—to the Committee on the Judiciary.

By Mr. FLEMING: Petition of Augusta Typographical Union, No. 41, of Augusta, Ga., favoring an educational qualification for immigrants—to the Committee on Immigration and Naturalization.

Also, resolutions of Augusta Typographical Union, No. 41, of Augusta, Ga., favoring a further extension of the Chinese-exclusion law—to the Committee on Foreign Affairs.

By Mr. FLETCHER: Petition of American Association of Masters and Pilots, Duluth, Minn., to extend the lien for mariners' wages to the masters of vessels, to provide for investigation of the conduct of officers of steam vessels by jury trial, etc.—to the Committee on the Merchant Marine and Fisheries.

Also, petition of citizens of Crookston, urging the establishment of an Army post at Crookston, Minn.—to the Committee on Military Affairs.

Also, resolutions of Blacksmiths' Union No. 73 and Taylors' Union No. 89, of Minneapolis, Minn., favoring the building of war ships in the navy-yards—to the Committee on Naval Affairs.

Also, protest of Electrical Workers' Union No. 24, of Minneapolis, Minn., against the passage of Senate bills 2054 and 1466, to regulate wiring in the District of Columbia—to the Committee on the District of Columbia.

Also, resolution of the Chamber of Commerce of St. Paul, Minn., favoring a national park reservation in Minnesota—to the Committee on the Public Lands.

Also, petition of Medical Association of Hennepin County, Minn., suggesting needed legislation for the Philippine Islands—to the Committee on Insular Affairs.

Also, resolution of the Chamber of Commerce of St. Paul, Minn., urging the enactment of the Payne Cuban reciprocity bill—to the Committee on Ways and Means.

Also, resolution of the same body, favoring irrigation of arid lands, etc.—to the Committee on Irrigation of Arid Lands.

Also, resolution of the St. Paul Jobbers' Union, protesting against the passage of the Elkins bill, for the enlargement of the powers of the Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

Also, resolution of the Commercial Club of Minneapolis, Minn., urging the enactment of certain measures for commercial expansion—to the Committee on Ways and Means.

Also, petition of citizens of Minneapolis, Minn., favoring a further restriction of Chinese immigration—to the Committee on Foreign Affairs.

By Mr. GROSVENOR: Petition of J. C. Irwin Post, No. 669, Grand Army of the Republic, of South Salem, Ohio, favoring an investigation of the administration of the Commissioner of Pensions—to the Committee on Rules.

Also, resolution of McPherson Post, Little Rock, Ark., favoring preference to veterans—to the Committee on Reform in the Civil Service.

Also, resolution of Division No. 72, Brotherhood of Locomotive Engineers, of Columbus, Ohio; Lodges 107, 175, 370, and 527, Brotherhood of Locomotive Firemen; Divisions 144, 107, 122, 145, 100, 177, and 329, Brotherhood of Railway Conductors, and Lodges 425, 59, 200, and 148, Brotherhood of Railroad Trainmen, favoring the passage of the Hoar-Grosvenor anti-injunction bill—to the Committee on the Judiciary.

By Mr. HILL: Petition of Local Union No. 527, Painters, Decorators, and Paper Hangers, of Norwalk, Conn., favoring an educational qualification for immigrants—to the Committee on Immigration and Naturalization.

By Mr. HITT: Petition of Prairie City Union, Painters, Decorators, and Paper Hangers, of Dixon, Ill., favoring further restriction of immigration—to the Committee on Immigration and Naturalization.

Also, sundry petitions of residents of Illinois, favoring eight-hour law for postal clerks—to the Committee on the Post-Office and Post-Roads.

By Mr. HOLLIDAY: Papers to accompany House bill No. 8644, granting a pension to John W. Thomas—to the Committee on Pensions.

By Mr. JOY: Petition of Car Coach Painters' Union No. 204, St. Louis, Mo., for the further restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. KNOX: Resolutions of the International Association of Machinists, Lodge No. 172, of Lawrence, Mass., favoring the extension of the Chinese-exclusion law—to the Committee on Foreign Affairs.

Also, petition of William F. Hills and 17 other citizens of Lowell, Mass., asking for an amendment to the Constitution prohibiting polygamy—to the Committee on the Judiciary.

By Mr. LACEY: Resolutions of Barbers' Union of Oskaloosa, Iowa, for the further restriction of immigration—to the Committee on Immigration and Naturalization.

Also, resolution of Brotherhood of Electrical Workers of Ottumwa, Iowa, in favor of the extension of the Chinese-exclusion law—to the Committee on Foreign Affairs.

Also, resolutions of Painters' Union and Local Union No. 813, of South Ottumwa, Iowa, favoring the passage of the Hoar-Grosvenor anti-injunction bill—to the Committee on the Judiciary.

By Mr. LESSLER: Resolutions of the Manufacturers' Association of New York, protesting against the passage of Senate bill 1118, to limit the meaning of the word "conspiracy," etc., in certain cases—to the Committee on the Judiciary.

Also, resolution of same body, favoring House bill 9056, known as the Babcock bill—to the Committee on Ways and Means.

Also, resolution of the same body, favoring the construction of war vessels at the Government navy-yards—to the Committee on Naval Affairs.

By Mr. LINDSAY: Resolution of the Manufacturers' Association of New York, favoring the building of war ships in the navy-yards—to the Committee on Naval Affairs.

Also, resolution of same body, against the passage of Senate bill 1118—to the Committee on the Judiciary.

By Mr. MANN: Resolution of Chicago Board of Trade, favoring House bill 8337, to amend an act to regulate commerce—to the Committee on Interstate and Foreign Commerce.

Also, memorial of National Live Stock Association, favoring modification of section 4386 of the Revised Statutes—to the Committee on the Judiciary.

Also, petition of John III Sobieski Society, of West Hammond, Ill., favoring the passage of House bill 16—to the Committee on the Library.

Also, resolutions of Reliable Lodge, No. 253, International Association of Machinists, of Chicago, favoring the construction of war vessels in the United States navy-yards—to the Committee on Naval Affairs.

Also, resolutions of same organization, favoring further restriction of Chinese immigration—to the Committee on Foreign Affairs.

Also, resolutions of Chamber of Commerce of Quincy, Ill., favoring the passage of Senate bill 1618—to the Committee on Foreign Affairs.

Also, resolutions of the same organization, favoring passage of bill to maintain the legal-tender silver dollar at a parity with gold—to the Committee on Coinage, Weights, and Measures.

By Mr. MOODY of Massachusetts: Resolutions of Boston Division, No. 122, Order of Railway Conductors, favoring a further restriction of Chinese immigration—to the Committee on Foreign Affairs.

By Mr. MOODY of North Carolina: Papers to accompany House bill 12956, granting a pension to Malissa White—to the Committee on Invalid Pensions.

Also, papers to accompany House bill 12955, for the relief of Albert B. Panther—to the Committee on Invalid Pensions.

By Mr. NEVILLE: Affidavits of Otis D. Lyon, C. D. Essig, William F. Bassett, and James Tucker, to accompany House bill 12519, granting a pension to Hugh McFadden—to the Committee on Invalid Pensions.

By Mr. NEVIN: Resolutions of the Columbus Credit Men's Association, indorsing the Ray bankruptcy bill—to the Committee on the Judiciary.

Also, petitions of Reynolds & Reynolds Company, Weston Paper Company, Charles Hoffritz, the F. A. Requarth Company, Dayton Motor Vehicle Company, Sterling Electric Motor Company, Seybold Machine Company, and Brownell & Co., all of Dayton, Ohio, protesting against the passage of the Hoar-Grosvenor anti-injunction bill—to the Committee on the Judiciary.

Also, petition of Division 295, of Lorain, Ohio, Brotherhood of Railway Conductors, favoring the passage of the Hoar-Grosvenor anti-injunction bill—to the Committee on the Judiciary.

By Mr. OTJEN: Petition of Painters' District Council of Milwaukee, Wis., favoring an educational restriction on immigration—to the Committee on Immigration and Naturalization.

Also, resolutions of various groups of Polish societies of Milwaukee and Cudahy, Wis., favoring the erection of a statue to the late Brigadier-General Count Pulaski at Washington—to the Committee on the Library.

By Mr. ROBINSON of Indiana: Petiton of C. McLeod Smith, of Ray, Ind., on the subject of immigration—to the Committee on Immigration and Naturalization.

By Mr. RUPPERT: Petition of the National Live Stock Association, for a modification of section 4386 of the Revised Statutes of the United States—to the Committee on Interstare and Foreign Commerce.

Also, resolution of Board of Trade of Chicago, Ill., favoring House bill 8337 and Senate bill 3575, amending the interstate-commerce act—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Eight-Hour League of America, in support of a national eight-hour day—to the Committee on Labor.

Also, resolutions of the Chamber of Commerce of Stockton, Cal., for an appropriation for the purpose of diverting the waters of the Mormon Channel into Calaveras River—to the Committee on Rivers and Harbors.

Also, resolution of the Trades League of Philadelphia, Pa., favoring amendment to the river and harbor bill—to the Committee on Rivers and Harbors.

Also, resolutions of the Manufacturers' Association of New York, favoring the construction of war vessels in the United States navy-yards—to the Committee on Naval Affairs.

Also, resolution of the Manufacturers' Association of New York, favoring the passage of House bill 9056, known as the Babcock bill—to the Committee on Ways and Means.

By Mr. RUSSELL: Resolution of Loom Fixers' Union No. 307, of Willimantic, Conn., for the further restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. RYAN: Petition of the Polish Shoemakers' Society of Buffalo, and of the Society of the Sons of the Polish Queen, of Buffalo, N. Y., favoring House bill 16, to erect a monument to the memory of Brigadier-General Pulaski—to the Committee on the Library.

Also, resolutions of Niagara Lodge, No. 330, of Machinists, of Buffalo, N. Y., favoring an educational test for immigrants—to the Committee on Immigration and Naturalization.

By Mr. SCOTT: Petition of G. H. Titus and other citizens of Iola, Kans., favoring an educational qualification for immigrants—to the Committee on Immigration and Naturalization.

Also, resolutions of the Cattle Raisers' Association of Texas, protesting against the passage of the Henry bill—to the Committee on Agriculture.

By Mr. HENRY C. SMITH: Resolutions of Michigan Reformatory, at Iona, against the passage of House bills 3143 and 5798, restricting the shipment of prison-made goods—to the Committee on Interstate and Foreign Commerce.

By Mr. SMITH of Illinois: Resolutions of Carpenters' Union No. 841 and Coopers' Union No. 104, of Murphysboro; Adkins Post, Cottage Home, and Dollins Post, Johnston City, Ill., favoring the construction of war vessels in the United States navy-yards—to the Committee on Naval Affairs.

Also, resolutions of Carpenters' Unions Nos. 581, of Herrin; 841, of Carbondale; 604, of Murphysboro, and 803, of Metropolis: Box Makers' Union No. 190, of Cobden; Coopers' Union No. 104; Woodworkers Union No. 61, and Laundry Workers' Union No. 94, of Murphysboro, and Railroad Telegraphers' Division No. 93, Illinois Central Railroad, for the further restriction of immigration—to the Committee on Immigration and Naturalization.

Also, resolution of Labor Union 8203, of Duquoin; Hoisting Engineers' Union No. 17, of Herrin; Typographical Union No. 461 and Woodworkers' Union No. 182, of Cairo, and Teamsters' Union No. 88, Typographical Union No. 217, Painters and Paper Hangers' Union No. 87, Bartenders' League No. 241, and Coopers' Union No. 104, all of Murphysboro, Ill., in favor of the exclusion of Chinese laborers—to the Committee on Foreign Affairs.

By Mr. SPERRY: Resolution of Polish-American citizens of New Haven, Conn., favoring the erection of a statue to the late Brigadier-General Count Pulaski at Washington—to the Committee on the Library.

Also, resolution of Trades Council of New Haven, Conn., favoring an educational qualification for immigrants—to the Committee on Immigration and Naturalization.

By Mr. TONGUE: Petition of railway postal clerks of the State of Oregon, for the reclassification of the Railway Mail Service—to the Committee on the Post-Office and Post-Roads.

Also, resolutions of Shipbuilders' Union No. 72, of Portland, and Cornucopia Miners' Union No. 91, of the State of Oregon, favoring the restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. WADSWORTH: Resolution of National Wholesale Lumber Dealers' Association, favoring bill now pending to abolish the London landing charges on cargoes of lumber from North Atlantic ports—to the Committee on Interstate and Foreign Commerce.

Also, petition of citizens of Niagara Falls and vicinity, New York, favoring a further restriction of Chinese immigration—to the Committee on Foreign Affairs.

Also, resolution of manufacturing firms of Niagara Falls, N. Y., protesting against the ratification of the reciprocity treaties now pending, and favoring possible reciprocity concessions—to the Committee on Ways and Means.

By Mr. WARNER: Resolutions of mechanics and laborers of Peoria, Ill., and of Bricklayers and Masons' Union No. 17, of Champaign, Ill., favoring an extension of the Chinese-exclusion law—to the Committee on Foreign Affairs.

Also, resolutions of Bricklayers' Union No. 19; of Bloomington Branch of Stonecutters of Bloomington Trades and Labor Assembly; of Plasterers' Union No. 152, O. P. I. A.; of Cigar Makers' Union No. 259, of Bloomington, Ill.; of the E. T. Jeffery Lodge, No. 412, Brotherhood of Railroad Trainmen, of Centralia; of Division No. 404, Brotherhood of Locomotive Engineers, of

Chicago, and of Tailors' Union No. 8, of Champaign, all of Illinois, favoring restrictive immigration laws—to the Committee on Immigration and Naturalization.

Also, resolutions of Journeymen Horseshoers' Union No. 60 and of B. M. and S. B., Union No. 24, of Bloomington, and of Ord Post, No. 372, Grand Army of the Republic, of Ludlow, Ill., favoring the construction of war vessels in the United States navy-yards—to the Committee on Naval Affairs.

By Mr. WEEKS: Petition of board of control of Michigan Reformatory, relating to shipment, etc., of convict-labor products—to the Committee on Labor.

By Mr. WILSON: Resolution of Bricklayers' Union No. 9 and Union No. 57, of Brooklyn, N. Y., favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. WOODS: Petition of the National Guard of California, for the passage of House bill 11654—to the Committee on the Militia.

Also, resolution of the Chamber of Commerce of Santa Barbara, Cal., favoring House bill 8337 and Senate bill 3575, amending the interstate-commerce act—to the Committee on Interstate and Foreign Commerce.

Also, resolutions of Bakers and Confectioners' Union No. 120, Stockton, Cal., favoring restricted immigration—to the Committee on Immigration and Naturalization.

Also, resolutions of Bakers and Confectioners' Union No. 120, Stockton, Cal., favoring a reenactment of the Chinese-exclusion law—to the Committee on Foreign Affairs.

Also, petition of National Live Stock Association, Chicago, Ill., for modification of section 4386 of the Revised Statutes, in relation to the transportation of stock from one State to another—to the Committee on Interstate and Foreign Commerce.

By Mr. WRIGHT: Resolutions of Division 10, Order of Railway Conductors, of Sayre, Pa., and Division 137, Brotherhood of Locomotive Engineers, of Susquehanna, Pa., favoring the passage of the Hoar-Grosvenor anti-injunction bill—to the Committee on the Judiciary.

By Mr. YOUNG: Petition of Henry Howerter, president of State legislative board of railroad employees of Pennsylvania, and of West Philadelphia Division, No. 45, Brotherhood of Locomotive Engineers, urging the passage of the Grosvenor anti-injunction bill, H. R. 11060—to the Committee on the Judiciary.

SENATE.

TUESDAY, *March 25, 1902.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. GALLINGER, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. Without objection, the Journal will stand approved.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had agreed to the amendment of the Senate to the bill (H. R. 10404) granting a pension to John Y. Corey.

The message also announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 11099) to amend section 1189 of chapter 35 of "An act to establish a code of law for the District of Columbia," approved March 3, 1901;

A bill (H. R. 11696) to quitclaim all interest of the United States of America in and to lot 4, square 1113, in the city of Washington, D. C., to William H. Dix; and

A bill (H. R. 12086) to extend the time for the construction of the East Washington Heights Traction Railroad Company.

The message further returned to the Senate, in compliance with its request, the bill (S. 4366) granting a pension to John Y. Corey.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President pro tempore:

A bill (H. R. 1529) granting an increase of pension to John G. Brower;

A bill (H. R. 2673) granting an increase of pension to John Vale;

A bill (H. R. 3272) granting an increase of pension to Israel P. Covey;

A bill (H. R. 4260) to correct the military record of James A. Somerville;

A bill (H. R. 4456) granting a pension to Ruth G. Osborne;

A bill (H. R. 4488) granting an increase of pension to Selden E. Whitcher;

A bill (H. R. 5289) granting a pension to Malvina C. Stith;

A bill (H. R. 5543) granting an increase of pension to Samuel W. Skinner;

A bill (H. R. 6018) granting a pension to Lue Emma McJunkin;

A bill (H. R. 7074) granting a pension to Benjamin F. Draper;

A bill (H. R. 7823) granting an increase of pension to Jacob D. Caldwell;

A bill (H. R. 8293) granting a pension to Amanda Jacko;

A bill (H. R. 9227) granting an increase of pension to Frederick Shafer;

A bill (H. R. 9397) granting a pension to John S. Lewis; and

A bill (H. R. 11145) granting an increase of pension to Mary F. Key.

PETITIONS AND MEMORIALS.

Mr. KEAN presented memorials of John Maddock & Sons, of Trenton, N. J., and of sundry business firms of Trenton, N. J., remonstrating against the establishment of reciprocity treaties with foreign countries; which were referred to the Committee on Foreign Relations.

He also presented a petition of Palisade Lodge, No. 592, Brotherhood of Railroad Trainmen, of Jersey City, N. J., praying for the passage of the so-called Foraker-Corliss safety appliance bill; which was referred to the Committee on Interstate Commerce.

He also presented a petition of the Retail Merchants' Protective Association, of New Brunswick, N. J., praying for the passage of the so-called pure-food bill; which was referred to the Committee on Manufactures.

He also presented petitions of 35 citizens of Lebanon, of 31 citizens of Jacksonville, and of 26 citizens of Rosenhayn, all in the State of New Jersey, praying for the passage of the so-called Grout bill, to regulate the manufacture and sale of oleomargarine; which were ordered to lie on the table.

He also presented petitions of Painters, Decorators, and Paperhangers' Local Union No. 26, of Newark, and of Typographical Union No. 307, of New Brunswick, of the American Federation of Labor, in the State of New Jersey, praying for the enactment of legislation authorizing the construction of war vessels in the navy-yards of the country; which were referred to the Committee on Naval Affairs.

He also presented a petition of Bricklayers and Masons' Local Union No. 14, of Plainfield, N. J., praying for the reenactment of the Chinese-exclusion law; which was ordered to lie on the table.

He also presented a memorial of Cigar Makers' Local Union No. 146, of New Brunswick, N. J., remonstrating against the proposed reduction of the duty on cigars imported from Cuba; which was referred to the Committee on Finance.

He also presented petitions of Cigar Makers' Local Union No. 138, and of Painters, Decorators, and Paperhangers' Local Union No. 26, of the city of Newark, in the State of New Jersey, praying for the enactment of legislation providing an educational test for immigrants to this country; which were ordered to lie on the table.

He also presented memorials of George Cook, of Plainfield; of the New Jersey Melting and Churning Company, of Hoboken; of Samuel Calton, of Perth Amboy; of P. Cussen, J. F. McDonald, and E. Neelen, of Elizabeth; of T. Leuthauser, W. S. Morton, and E. J. Thompson, of Newark; of Therkelsoen & Brown, of Perth Amboy; of S. Scheuer & Sons, of Summit; of C. D. Vincent & Co., of Orange; of Wyckoff & Shields, of Washington; of Col. S. D. Dickinson, of Hoboken; of J. M. Saunders, of Hackettstown; of Bush & Stuart, of Oakland; of Mrs. H. Metz, Mrs. Thomas Williams, Mrs. Francis Johnson, Mrs. William Chilver, Mrs. G. A. Owens, George Matthews, and of Fred Emory Tilden, of Jersey City; of L. F. Hersh & Bro., Mahon Brothers, and G. B. Kinsey, of Elizabeth; of Fred Angle, jr., of Dover; of J. D. Rover, of Taurus; of G. W. Meredith, of Trenton; of W. L. Black, of Hammonton; of Mattison & Barker, of Hackettstown; of W. L. Hoff, of Washington; of H. F. Brown & Bro., of South Amboy; of E. W. Turner, of Asbury Park; of J. H. Polhemus, of Whippany; of Cramer & Rogers, of Burlington; of DeMott & Ryerson, of Wayne; of N. E. Warmolts, of Paterson; of L. M. Lee, of Vineland; of J. H. Hooke, E. B. Park, A. Scott, Mrs. Ackley, J. J. DuBois, C. S. DuBois, H. Behrens, jr., the American Cheese and Butter Company, T. Hanlon, R. H. Bowden, C. Young, M. Anderson, Dr. L. Dodson, W. Henderson, F. E. La Roche, D. D. Clark, J. J. Murphy, M. A. Finley, D. J. Colbert, A. G. Campbell, T. E. Older, C. E. Loomis, W. H. Britton, G. W. Snider, H. T. Goodrich, J. T. Bryan, C. H. Klink, Mrs. A. Wilkes, G. W. Van Blarcom, and Mrs. Williams, of Jersey City; of E. Young and A. Decker, of Little Falls; of A. Powdermaker and Charles Roesch & Sons, of Atlantic City; of the New Jersey Butter Company of Camden; of J. Tschumi & Bro., of New Durham; of L. Goodman, of Newark; of W. Schoenebaum, jr., of Hoboken; of